

Report of the Head of Planning & Enforcement Services

Address 81 SHENLEY AVENUE RUISLIP

Development: Erection of 2 x three bedroom semi-detached dwellings with associated amenity space, parking and alterations to vehicular access, involving demolition of existing detached bungalow.

LBH Ref Nos: 64555/APP/2012/14

Drawing Nos: 81 SHEN/JH-007
81/SAR/05A
81/SAR/07
81SHEN/JH-001 Rev A
81 SHEN/JH-006 Rev A
Design and Access Statement
Proposed Perspective
81/SAR/01 Rev. B
81/SAR/02 Rev. C
81/SAR/03 Rev. C
81/SAR/08 Rev. B
81/SAR/06 Rev. B
81/SAR/04 Rev. D

Date Plans Received:	06/01/2012	Date(s) of Amendment(s):	06/01/2012
Date Application Valid:	06/01/2012		24/04/2012
			01/05/2012
			05/07/2012

1. SUMMARY

This application seeks permission to demolish the existing bungalow and erect a pair of semi-detached three-bedroom houses with associated off-street car parking.

No objections are raised to the loss of the bungalow and the proposed houses are considered to adequately harmonise and present a satisfactory appearance within the street scene.

It is considered that the proposed house would present an acceptable appearance within the street scene, replicating the height and design of adjoining properties. Although the houses would extend to the side boundaries on the ground floor and therefore not be set off a minimum of 1m from the side boundaries for their full height, the predominant character of this part of Shenley Avenue comprises semi-detached houses with side garages built up to their side boundaries, some of which have been converted to habitable accommodation. Although the houses do project beyond adjoining houses at the rear, it is not considered that this would be unduly detrimental to the amenity of adjoining properties. The proposed house would provide an acceptable standard of residential accommodation and adequate off-street parking. The proposal is recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

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 RES9 Landscaping

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 Means of enclosure/boundary treatments

2.b Car Parking Layouts

2.c Hard Surfacing Materials

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 Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of the London Plan.

6 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 79 and 83 Shenley Avenue.

REASON

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

7 RES13 Obscure Glazing

The first floor bathroom window(s) facing 79 and 83 Shenley Avenue 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).

8 RES14 Outbuildings, extensions and roof alterations

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification); no garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to any dwellinghouse(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

REASON

To protect the character and appearance of the area and amenity of residential occupiers in accordance with policies BE13, BE21, BE23 and BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

RES15

~~No~~ development approved under ~~Sustainable Water Management (changed from SUDS)~~ 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.

10 RES16 Code for Sustainable Homes

The dwelling(s) shall achieve Level 4 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.

11 RES18 Lifetime Homes/Wheelchair Units

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

12 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).

13 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 excising 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.

14 NONSC Non Standard Condition

Before any part of the development is occupied, site derived soils and imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

REASON

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

15 MRD8 Education Contributions

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

REASON:

To ensure the development provides an appropriate contribution to educational facilities within the surrounding area, arising from the proposed development, in accordance with Policy R17 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and the Council's Supplementary Planning Guidance on Educational Facilities.

INFORMATIVES

1 152 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).

2 153 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 (March 2012)
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 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
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
H3	Loss and replacement of residential accommodation
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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

3 11 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

4 12 Encroachment

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

5 13 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

6 15 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

7 16 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

8 115 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, 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.

9 I23 Works affecting the Public Highway - Vehicle Crossover

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

10 I23A Re-instatement of a Vehicle Access.

You are advised by London Borough of Hillingdon, Highways Management, that any works on the Highway, in relation to the reinstatement of any existing vehicle access, must be carried out with approval from the Highway Authority. Failure to reinstate an existing vehicle access will result in the Highway Authority completing the works, and the developer may be responsible for the costs incurred. Enquiries should be addressed to: Highways Maintenance, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

11 I45 Discharge of Conditions

Your attention is drawn to condition(s) 3, 4, 5, 9, 10 and 15 which must be discharged prior to the commencement of works. You will be in breach of planning control should you commence these works prior to the discharge of this/these condition(s). The Council may consider taking enforcement action to rectify the breach of this condition(s). For further information and advice contact - Planning & Community Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250230).

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In respect of Condition 15, you are advised that the Council considers that one way to ensure compliance with this condition is to enter into an agreement with the Council to ensure the provision of additional educational facilities locally proportionate to the needs arising from the development.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the south eastern side of Shenley Avenue, some 170m

to the north east of its junction with Cranley Drive. The site comprises a double fronted bungalow with projecting bays and a front dormer, together with an attached side garage.

The site is adjoined by pairs of semi-detached houses with attached garages on the side boundaries of the application site and opposite there are similar semi-detached houses. At the rear of the site, are the playing fields of the Ruislip Manor Sports and Social Club.

Shenley Avenue in this vicinity predominantly comprises semi-detached houses, very many of which have attached side garages which abut their side boundaries. These are interspersed by detached bungalows. The ground rises slightly to the east along Shenley Avenue so that properties to the west are some 300-400mm lower than their neighbour.

The application site forms part of the 'developed area' as designated in the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

3.2 Proposed Scheme

This application seeks permission to demolish the existing bungalow and erect a pair of semi-detached three-bedroom houses with associated off-street car parking and amenity space. The scheme has been amended and the proposed houses would now extend to the side boundaries on the ground floor, although set in 1.8m from the side boundaries at first floor. The proposed houses would maintain the front building line and have hipped roofs, with a small element of flat roof, 5.0m high to eaves level, 8.69m high to the ridge which would be similar to the roof height of adjoining properties. The flat roof element would accommodate a shared chimney stack. With a main two storey depth of 11.06m, the houses would project approximately 3m from adjoining properties with a small rear kitchen addition projecting a further 1.6m.

The houses would have a two storey semi-circular projecting bay at the front, with a porch and mono-pitched canopy extending across the front elevation, with a smaller first floor bay window above, similar to adjoining properties. The canopy roof would have a ridge height of 3.3m, with the flat roof side elements and rear kitchen addition having heights of 2.65m.

Two car parking spaces for each house would be provided in the front garden.

The application is supported by a Design and Access Statement.

3.3 Relevant Planning History

Comment on Relevant Planning History

An outline application (64555/APP/2008/1569) to demolish the existing bungalow and erect a detached building comprising 3 x two-bedroom and 1 x one-bedroom duplex units with associated parking and amenity space was refused on 14/8/08 for the following reasons:

1. The proposed development represents an unacceptably high density of development contrary to the Council's Supplementary Planning Guidance on Residential Layouts and Table 3A.2 of the London Plan 2008 and, by reason of its size, bulk, design and frontage parking area, would result in an over dominant and incongruous form of development, which would be out of keeping with the character of the surrounding area and detrimental to the visual amenities of the street scene. The proposal would therefore be contrary to Policies BE13, BE19 and BE20 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

2. The proposed development fails to provide an adequate amount of amenity space for each unit. In addition the proposed amenity space would fail to protect the privacy of the occupiers of the rear facing units, detrimental to the residential amenity of future occupiers of the development. As such, the proposal would be contrary to advice in the Council's Supplementary Planning Guidance on Residential Layouts and Policies BE23 and BE24 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

3. The proposed development would fail to meet relevant Lifetime Homes Standards, contrary to Policy 3A.5 of the London Plan 2008 and the design principles contained within the Hillingdon Design and Accessibility Statement: Residential Layouts and the Hillingdon Design and Accessibility Statement: Accessible Hillingdon.

4. The proposal fails to make adequate bin store provision, contrary to Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2007 and the Hillingdon Design and Accessibility Statement: Residential Layouts.

5. The proximity of the ground floor front windows to the communal parking area would result in a loss of residential amenity to future occupants, contrary to Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

6. The proposed building by reason of its siting, size, bulk and high density would result in an over dominant form of development in relation to the neighbouring properties at 79 and 83 Shenley Avenue 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 Policies BE13, BE19, BE20 and BE21 of the Hillingdon Unitary Development Plan Saved Policies September 2007 and the Council's Supplementary Planning Document on Residential Layouts.

An appeal was subsequently lodged and dismissed on 2/2/09.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- | | |
|--------|---|
| PT1.10 | To seek to ensure that development does not adversely affect the amenity and the character of the area. |
| PT1.16 | To seek to ensure enough of new residential units are designed to wheelchair and mobility standards. |
| PT1.30 | 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 (March 2012) |
|------|---|

LPP 3.1	(2011) Ensuring equal life chances for all
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 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
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
H3	Loss and replacement of residential accommodation
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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:- Not applicable
- 5.2** Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

24 neighbouring properties have been consulted and 5 responses have been received, together with a petition with 28 signatories on the original scheme.

The petition states:

'We the undersigned wish to register our objection on the grounds that it is the developer's intention to build two houses beyond the rear building line of all adjacent houses, with the resulting loss of light caused by this overbearing development.

It is not acceptable or indeed reasonable that a footprint of a bungalow should be used for three bedroom houses. We seek an opportunity to speak at your planning meeting to challenge this application from Mr Terry Daniel.'

Individual comments on original scheme:-

- (i) In principle, the development of two 2 bedroom properties is acceptable,
- (ii) Proposal is overdevelopment, out of character with Shenley Avenue,
- (iii) Proposed houses are large and would extend far beyond rear building line of the two storey houses, including the adjacent properties on this part of Shenley Avenue,
- (iv) No houses as far as can be seen have extended at two storey level to the extent that is being proposed,
- (v) Projections of houses at rear would project beyond rear conservatory at No. 85 resulting in the blighting of view from No. 85,
- (vi) Rear projection would result in loss of sunlight to adjoining gardens, including to rear of No. 79, casting shadow on rear patio. If plans scaled back to same dimensions of adjoining properties, I would find this acceptable,
- (vii) Plans show two windows and a door that will overlook my patio,
- (viii) Proposal will create problems for adjoining properties whilst under construction,
- (ix) Proposal should not be compared with a similar development in Eversley Crescent (60943/APP/2005/2958) as here, development does not project beyond adjoining properties at the rear,
- (x) Planning officer should visit my property,
- (xi) Do not support the application whilst I still have an interest and a charge on the property,

3 comments received on revised scheme:

- (xii) Petition is still relevant and still wish to be heard at committee,
- (xiii) Proposal will block natural light to adjoining properties,
- (xiv) Continue to strongly object to this proposal as no regard has been given to original objection concerning the rear building line, which will have a huge impact, particularly on the loss of sunlight to my patio area as well as the loss of privacy,
- (xv) Now faced with further increase to the existing footprint with single storey side extensions towards both adjoining properties which will overpower adjoining properties,
- (xvi) This new 'linked terraced' appearance is out of keeping with Shenley Avenue's existing semi-detached and detached two storey properties,
- (xvii) Two semi-detached, 3 bedroom houses on a plot originally intended for a 2 bedroom bungalow is over development,
- (xviii) A site visit should be made,
- (xix) Proposal should be consistent with a similar project developed in Eversley Crescent 4 years ago,

Internal Consultees

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.

Having evaluated the proposed development against the above Supplementary Planning Document and policy requirements, the proposed development is acceptable from an accessibility perspective.

Conclusion: Acceptable.

EPU (Land Contamination):

There are no specific concerns regarding contamination. A condition to minimise the risk of contamination from the import of soils is recommended.

Highway Engineer:

The scheme is acceptable, given no highway objections were raised to previous scheme with similar parking arrangements. Pedestrian visibility needs to be controlled by condition.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

There are no objections to the loss of the bungalow which is of little architectural or historical interest.

There is also no objection in principle to the intensification of the residential use of this site, subject to the council's normal policies and standards.

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 3, where 6 is the most accessible and 1 the least. Taking the most appropriate typical unit size of 3.8 - 4.6 hr/unit, the matrix recommends a density of 35-65 u/ha and 150-250 hr/ha. This proposal equates to a density of 50u/ha and 250hr/ha, which accords with the Mayor's guidance in terms of density.

However, it is considered that density guidance is of only limited relevance to infill development proposals such as this. Of more importance is to ensure that the proposal harmonises with surrounding development.

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

The proposal would not affect any statutorily or locally listed building or its setting, nor would it be likely to affect any archaeological remains. Furthermore, the application site does not form part of a conservation area or an area of special local character.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

The application site does not form part of the Green Belt nor is it located close to its boundary. As such, this application does not raise any Green Belt issues.

7.07 Impact on the character & appearance of the area

The predominant character on both sides of this part of Shenley Avenue is formed by pairs of semi-detached houses, interspersed by single detached bungalows with properties generally conforming to a uniform set back from the road of some 5m.

The proposed houses would maintain the general character and established front building line on this part of Shenley Avenue, together with the eaves and ridge height of surrounding houses. Although the roof form would comprise a flat roof element at the ridge, this element is very small so that the roof would read as a traditional hipped roof, with the shared chimney stack occupying the central area of the flat roof element.

Policy BE22 of the Saved Policies UDP states that residential buildings of two or more storeys should be set back a minimum of 1 metre from the side boundary. On this part of Shenley Avenue, the vast majority of the semi-detached pairs have single storey garages occupying the space between the semi-detached houses, including the two adjoining properties at Nos. 79 and 83. A number of these garages have also been converted to habitable accommodation. As such, the predominant character on this part of Shenley Avenue is of semi-detached properties which typically do not have separation gaps at ground floor level.

The semi-detached houses on Shenley Avenue have a typical width ranging from 5.7m to 5.85m and undeveloped first floor gaps of 2.25m to 3.4m. By comparison, the proposed houses would have a width of 5.23m and maintain first floor gaps of 1.8m to the side boundaries. Although the massing of the pair is slightly undersized in terms of typical house widths and spacing, this is not so great that the houses would appear out of keeping or unduly cramped in the street scene.

The design of the proposed houses replicates the design features of adjoining properties, including the projecting two storey semi-circular bay, canopy and first floor bay window on the front elevation. In order to replicate the general pattern of adjoining facades, a compromise has had to be made in that the first floor side wall does truncate ground floor windows. Although this is not ideal in design terms, the overall impression is reasonable and adequately harmonises with adjoining properties.

In the previous appeal for a two storey block comprising four flats (64555/APP/2008/1569), the Inspector considered a building which was set off both of the side boundaries for its full height by 1.2m. The Inspector noted that the adjoining properties had single storey garages next to the application site and these, combined with the single storey bungalow lended a certain openness to the street scene. The Inspector went on to say that:

'The development would remove much of this openness by introducing a structure which would have two storey high side elevations close to the adjoining properties. As a consequence, the building would be readily seen on approaching the site from both directions and because of its bulk and size would be a dominant feature in the street. I have therefore formed the view that the proposed building would be out of keeping with the character and appearance of the neighbouring houses and would impact significantly on the street scene....'.

Although this proposal would fill the width of the plot on the ground floor (as do the vast majority of properties on this part of Shenley Avenue), it would increase the first floor gaps by 0.6m on each side of the building. As such, more of the openness of the site would be retained.

As such, it is considered that the scheme complies with Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and has overcome the Inspector's previous reason for dismissing an appeal for a two storey building on this site.

7.08 Impact on neighbours

The proposed houses would not project forward of the adjoining properties at the front and both adjoining properties only contain a obscure glazed windows in their side elevations.

At the rear, the main two storey bulk of the proposed houses would project by some 3.0m from the first floors of neighbouring properties and this first floor bulk is set back 1.8m from the side boundaries. The proposal would not encroach upon a 45 degree line of sight taken from any adjoining first floor rear facing window.

On the ground floor, the single storey side/rear elements would immediately abut the side boundaries, but these would only project by a similar 3m distance. As regards No. 83, this has a 3m deep rear conservatory with a plastic corrugated roof canopy on the side adjoining No. 81 Shenley Avenue so that the main bulk of the houses would not project beyond the ground floor of this adjoining property. The proposal also involves a 1.6m deep rear kitchen addition which increases the overall projection of the development from the original rear elevation of adjoining properties to 4.6m, but with a flat roof height of 2.76m and set back from the side boundaries by 2.9m, this element of the proposal would have a minimal impact upon the amenity of neighbouring properties.

In considering the previous appeal for a building which projected further into the rear garden, the Inspector noted that there would not be an issue as regards loss of light, sunlight or overlooking. It was only the dominant and overbearing appearance of the previous proposal in terms of its depth and height which was cited as justification for dismissing the appeal. This scheme compares to the previous scheme in that the depth of the projection of the two storey building from the first floor elevation of neighbouring properties has reduced from 4.3m to 3.0m and on the ground floor, from 5.2m to 4.6m. With the reduction of the depth and the setting back of the first floor element from the side boundaries, it is considered that this scheme overcomes the concerns of the previous Inspector. This scheme does now include single storey elements immediately on the boundary of adjoining properties, but with a maximum depth of 3m, these elements would not unduly harm the amenities of neighbours and would comply with the Council's design guidance if proposed as an extension.

7.09 Living conditions for future occupiers

The London Plan (July 2011) establishes minimum floor areas that would be required in order to ensure that future occupiers of new property would have an adequate standard of amenity. Table 3.3 of the London Plan specifies that three bedroom properties should have a minimum internal floor area of 96sqm. The proposed houses would have internal floor areas of 139sqm. Furthermore, all habitable rooms would have adequate outlook and natural sunlight.

The Council's HDAS 'Residential Layouts' Design Guide also stipulates minimum amenity space sizes and for a two or three bedroom property, 60sqm of private amenity space is

required. This scheme proposes rear gardens, each with an area of 96sqm.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposal includes two double car parking spaces in the front gardens of each of the proposed houses. The Council's Highway engineer notes that the proposed car parking arrangement is very similar to the layout proposed on the scheme, the subject of the appeal to which no highway objections were raised. On this basis, the Highway Engineer raises no objections to this scheme.

7.11 Urban design, access and security

These issues have mainly been dealt with in Sections 7.07 and 7.09 of this report. As regards security, a condition is recommended to ensure that the development meets secure by design standards.

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 is acceptable in terms of accessibility and raises no objections. A condition has been added to ensure that the scheme fully complies with these standards.

7.13 Provision of affordable & special needs housing

Not applicable to this scheme for two houses.

7.14 Trees, Landscaping and Ecology

Policy BE38 of the Saved Policies UDP requires development proposals to retain and incorporate topographical and landscape features of merit and provide new planting where necessary. There are no protected trees or other landscape features of merit on or close to the application site.

The scheme does make provision for the retention of existing trees and shrubs in the rear garden and the provision of a new boundary hedge to subdivide the rear garden. Within the front garden, a new landscaped strip would be provided along the boundary of the two properties, with a new hedge and cherry tree. Although this would amount to approximately half the minimum landscaped area required by design guidance (25% of the front garden area), the majority of the surrounding properties in the vicinity have been completely or very nearly completely hardsurfaced, including the adjoining property, No. 83. As such, the proposed scheme would not appear so out of keeping with the character of the street scene so as to justify a reason for refusal. The scheme is considered to accord with Policies BE13 and BE38 of the Saved Policies UDP.

7.15 Sustainable waste management

The proposed plans show provision for bin storage being made in the rear gardens. If refuse/recycling is to be collected, this would have to be brought through to the front of the house on collection days. No objection is raised to this arrangement.

7.16 Renewable energy / Sustainability

A condition has been added to ensure that the new houses would achieve Level 4 of the Code for Sustainable Homes.

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 does not raise any specific issues as regards noise or air quality.

7.19 Comments on Public Consultations

As regards the comments on the original and revised scheme, these are mainly dealt with within the officer's report with the exception of points (i) and (viii), which are noted. As regards point (ix) all applications are treated on their individual merits. An officer has visited both adjoining properties (Point (x)). As regards point (xi), the comments made by a previous owner/occupier of the property and the documents submitted have been looked at by legal services and they advise that notice was not required to be served on this individual and the application is valid.

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 £7,125 is required (Nursery - £0, Primary - £1,394, Secondary - £2,526 and Post-16 - £3,205).

7.21 Expediency of enforcement action

This application does not give rise to any planning enforcement issues.

7.22 Other Issues

There are no other relevant planning 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

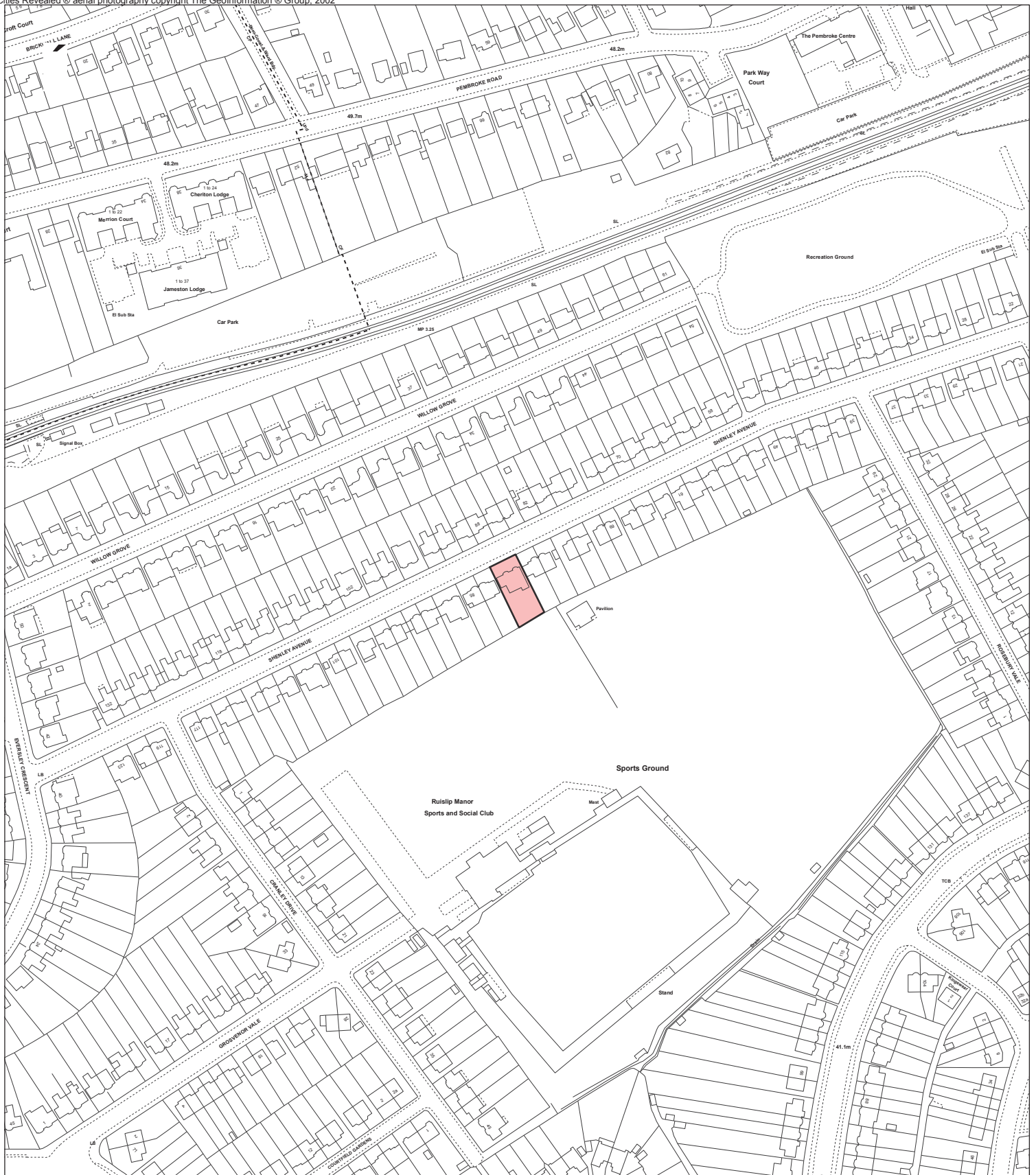
It is considered that the proposed house would present an acceptable appearance within the street scene, replicating the height and design of adjoining properties. Although the houses would extend to the side boundaries on the ground floor and therefore not be set off a minimum of 1m from the side boundaries for their full height, the predominant character of this part of Shenley Avenue comprises semi-detached houses with side garages built up to their side boundaries, some of which have been converted to habitable accommodation. Although the houses do project beyond adjoining houses at the rear, it is not considered that this would be unduly detrimental to the amenity of adjoining properties. The proposed house would provide an acceptable standard of residential accommodation and adequate off-street parking. The proposal 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
HDAS: Accessible Hillingdon
Consultation Responses

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Notes

 Site Boundary

For identification purposes only.

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Planning Application Ref:

64555/APP/2012/14

Scale

1:1,250

Planning Committee

North

Date

July 2012



HILLINGDON
LONDON