

Report of the Head of Planning & Enforcement Services

Address LAND REAR OF 41 & 43 THE DRIVE NORTHWOOD

Development: 4 x two storey, 4-bed, detached dwellings with associated amenity space and parking and installation of vehicular crossover to front

LBH Ref Nos: 68458/APP/2012/779

Drawing Nos: 12/3265/2 A
12/3265/3 A
Arboricultural and Planning Integration Report
Design and Access Statement
Energy Statment
RC/LOC- PLAN
Tree Protection Plan
12/3265/5
12/3265/4
12/3265/1

Date Plans Received: 30/03/2012 **Date(s) of Amendment(s):** 30/03/0012
Date Application Valid: 13/04/2012 30/03/2012

1. SUMMARY

This application seeks permission for the erection of 4 detached houses within an area of land to the rear of 41 and 43 The Drive, Northwood. The 4 houses would be accessed off the southern arm of Knoll Crescent.

The site is considered to be a backland development. In the light of recent changes in policy and guidance in relation to backland development, and given the harm that would be caused to the character and appearance arising from this development it is considered that the development would be unacceptable.

The application is therefore recommended for refusal.

2. RECOMMENDATION

1 NON2 Non Standard reason for refusal

The proposed development would constitute backland development that would fail to maintain the open and verdant character and appearance of the surrounding area. The proposal is therefore contrary to Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007), and Policy 3.5 of the London Plan (July 2011).

2 NON2 Non Standard reason for refusal

The proposal would result in the loss of a significant number of trees (including protected trees) and would adversely impact on the green vista and arboreal character of the area. The proposal does not take into account the future growth / size of trees and the impact that this growth would have on the amenities of the proposed occupiers. The proposal therefore does not comply with Policy BE38 of the Adopted Hillingdon Unitary

Development Plan Saved Policies (September 2007).

3 NON2 Non Standard reason for refusal

The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development, including a contribution for education facilities. The scheme therefore conflicts with Policy R17 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Hillingdon Planning Obligations Supplementary Document (July 2008).

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

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

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H4	Mix of housing units
H5	Dwellings suitable for large families
H6	Considerations influencing appropriate density in residential development.
H9	Provision for people with disabilities in new residential developments
OE1	Protection of the character and amenities of surrounding properties and the local area
AM7	Consideration of traffic generated by proposed developments.
AM8	Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
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.
R7	Provision of facilities which support arts, cultural and entertainment activities
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
LPP 3.5	(2011) Quality and design of housing developments
LPP 5.3	(2011) Sustainable design and construction

3. CONSIDERATIONS

3.1 Site and Locality

The application site is situated to the rear of 41 and 43 The Drive. It is rectangular in area being 19.1m wide and 71.7m deep, and comprises the rear garden of 43 The Drive which also extends to the rear of 41 The Drive. In character terms the garden comprises a series of lawned areas interspersed with trees and vegetation. It has an overall site area of 0.13 hectare and is verdant in character.

The southern boundary of the site adjoins the southern arm of Knoll Crescent which currently terminates in the form of a turning area adjacent to the site. Knoll Crescent is split into two sections (a northern arm and a southern arm), which are separated by the rear garden areas of 37-43 Knoll Crescent, part of which comprises the application site.

The land slopes down from the rear of the existing houses in The Drive. The existing properties in Knoll Crescent are thus considerably lower than the properties in The Drive.

Beyond the southeastern boundary is land designated as Green Belt and a Site of Interest for Nature Conservation.

3.2 Proposed Scheme

The application proposes 4 detached houses to be built within the rear garden area. They would be accessed off Knoll Crescent, effectively being a continuation of the Knoll Crescent streetscene.

Each of the houses would be similar in style and form. The ground floor of each property would comprise a lounge, kitchen and study. The first floor would provide 4 bedrooms and bathroom facilities. No accommodation is proposed within the roofspace.

Each house would have two parking spaces to the front, with some ancillary amenity space. An enclosed cycle store is also proposed for each house.

The houses would be similar in bulk and massing to the existing detached houses in this part of Knoll Crescent with brick elevations, tile hanging and a hipped, tiled roof. Chimney features are also proposed.

The application is accompanied by a Design and Access Statement, an Arboricultural and Planning Integration Report, and an Energy Statement.

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no relevant planning history to this site.

4. Planning Policies and Standards

N/A

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.

Part 2 Policies:

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE22 Residential extensions/buildings of two or more storeys.

BE23 Requires the provision of adequate amenity space.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

H4 Mix of housing units

H5 Dwellings suitable for large families

H6 Considerations influencing appropriate density in residential development.

H9 Provision for people with disabilities in new residential developments

OE1 Protection of the character and amenities of surrounding properties and the local area

AM7 Consideration of traffic generated by proposed developments.

AM8 Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes

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.

R7 Provision of facilities which support arts, cultural and entertainment activities

HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

CACPS Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)

LPP 3.5 (2011) Quality and design of housing developments

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

26 neighbouring properties have been consulted by means of a letter dated 18th April 2012. A site notice was also displayed on 14th May 2012. A petition and 14 letters of objection have been received.

A petition with 57 signatories has been received objecting to the application and seeking that the scheme is refused.

14 letters of objection and comment that raise a series of concerns that can be summarised as:

a) The scheme represents garden grabbing, that is contrary to recent changes in national policy protecting gardens from use for new housing schemes.

b) The plans submitted fail to reflect a Council produced plan identifying the Tree Preservation Order trees.

c) Object to the number of trees that would be lost, object to the loss of open space, object to the loss of a natural habitat and the specific loss of a laurel that is shown on the applicant's land but is considered to be sited within the garden of No 39.

d) The loss of such a high number of trees will necessarily result in subsidence to neighbouring properties and the scheme will impact negatively upon the water table.

e) The tree report appears to be rather biased in its conclusion that many of the trees are of low value. An independent opinion on this matter should be sought.

f) The plans submitted fail to show adequately the boundary between site and garden at No. 39 The Drive and to identify all the protected trees on the site and within the immediate vicinity.

g) The new dwellings appear higher than the existing houses and include chimneys that are not a feature of existing houses on Knoll Crescent. Chimneys are superfluous in design terms and are potential fire hazard.

h) The proposed road extension does not provide adequate spaces for cars to turn around.

i) The scheme would bring additional noise and traffic within a quiet and peaceful area resulting in a significant detrimental impact upon the residential amenity to the wider area.

j) The scheme would result in heavy site construction traffic along a small road.

k) Is there a ransom strip issue that needs to be addressed to implement the scheme?

l) The proposed new houses would take away an open aspect view from our garden area.

- m) There is no demand/need for such houses in the area.
- n) This building will not only affect the environment but will break up a cherished mini-community
- o) The existing owners of the site are not residents of the street.
- p) Can details of the foundation detail of the proposed houses be provided?
- q) The scheme would place additional strain on the water supply and on a pre-existing problem with low water pressure. A similar strain would be placed on sewage and there is a recurring existing problem with the drains.
- r) The application would appear incomplete without a proper drainage proposal.
- s) Concerns expressed about potential overlooking including future residents being able to see directly in to our bathroom window at No
- t) The site although neglected does provide current amenity to the wider area as a result of the trees on-site, this contrasts with an assertion in the Design and Access Statement
- u) Insufficient off street car parking is proposed
- v) Parking already occurs on both sides of the road by residents and golfers playing at Haste Hill Golf Course. The scheme will result in additional traffic congestion and on street car parking, exacerbating an existing traffic and parking problem in the locality including existing difficulties with emergency vehicles gaining access to the street.
- w) No public notice of the proposed development has been displayed.
- x) Wish to complain that we did as a resident of 72 Knoll Crescent receive a letter informing us of the planning application
- y) The scheme is out of character with the local area

Internal Consultees

TRANSPORTATION TEAM

Knoll crescent is split into northern and southern sections by rear garden of properties 37-43, and proposal for access to dwellings and their associated car parking area is from the southern section of the Knoll crescent.

Knoll Crescent is publicly maintainable highway and is benefiting from 2.0m wide footway on both sides and 6.0m wide carriageway with no parking restriction.

Proposal is for 4x 4 bed two storey detached dwellings with their respective eight off street parking space that complies with Policy AM14 of 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 two vehicle parking spaces for similar dwellings.

Considering that there are sufficient unrestricted parking spaces available in the surrounding area, proposal is unlikely to result in an additional on street demand for car parking to the detriment of highway and pedestrian safety.

However, submitted documents fails to show proposed location of waste refuse bin store for

collection by waste vehicles. Waste collection vehicles should be able to access the waste refuse bin collection point within 10m distance of four wheeled containers and 15m for two wheeled containers.

Consequently, no objection is raised subject to details of facilities to be provided for the storage of refuse bins within the site is covered through a suitable planning condition.

TREES AND LANDSCAPE TEAM

Tree Preservation Order (TPO) / Conservation Area: This site is covered by TPO 124.

Appraisal: There are a number of mature protected and non-protected trees at this site which significantly contribute to the amenity and arboreal character of the area in which they are situated. The trees are not highly visible from the Drive, however, as a large group / mass of trees they are highly visible from parts of Knoll Crescent, which is where the access to the proposed development will be located. The extensive rear gardens (and the mass of trees within in them) significantly contribute to the amenity and arboreal character of the area and provide a green vista which should be retained. The mass of trees, including about 12 protected trees, situated mainly to the side (north-east) of 113 Knoll Crescent has a high (collective) amenity value.

The proposed plot 1 will result in the loss of one low value (non-protected) Ash, and will be relatively close to two protected Ash (T40 and T41), however these two Ash have a history of pruning (crown reductions were last approved in 2010) and there is no reason why they should not continue to be managed in this way (ground protection has been proposed to protect the trees' root protection areas (RPA's) during construction). However the proposed plots 3 and 4 will result in the loss of a valuable protected Ash (T48 on TPO 124 - classified as a category B tree in the report), which is in fairly good condition; a small group (G2 on TPO 124) of mature, protected Norway Spruce,

one of which is in good condition; and a non-protected group of young conifer (consisting mainly of Norway Spruce, but also a Scots Pine) which are in very good condition and has the potential to develop into a prominent landscape feature.

There are also two very large Poplar trees (classified as category B trees in the report) which are located about 10-12 m to the south-east of the proposed houses in plots 3 and 4. The tree report states (at 7.1) that 'the retained trees are at a satisfactory distance from the proposed new buildings and are highly unlikely to give rise to any inconvenience', however the crowns of these two very large Poplar trees will overhang the proposed rear gardens and there will almost certainly be irresistible pressure to heavily prune or remove these trees in the future. The author of the report refers (at 7.4) to BS 3998:1989 to justify the possible need to prune trees to alleviate the minor inconveniences that trees can cause, however the new, updated BS 3998:2010 discourages pruning wherever it is not essential.

Conclusion (in terms of Saved Policy BE38): The application is not acceptable, because the loss of the various protected (about 8) and non-protected trees that are within the area that will accommodate proposed plots 3 and 4 will have a detrimental impact on the green vista and arboreal character of the area; and the scheme does not take into account the future growth / size of two very large Poplar trees to the south-east of proposed plots 3 and 4.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

It is considered that this development would be a backland development to which there have been recent changes to policy, as contained within the London Plan 2011 and the National Planning Policy Framework.

With regard to the London Plan, Policy 3.5 "Quality and design of housing developments"

says that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in the Plan to protect and enhance London's residential environment and attractiveness as a place to live. Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified.

The London Plan comments in Paragraph 3.34 comments that "Directly and indirectly back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities' sense of place and quality of life. Pressure for new housing means that they can be threatened by inappropriate development and their loss can cause significant local concern. This Plan therefore supports development plan-led presumptions against development on back-gardens where locally justified by a sound local evidence base..."

It is considered that this proposal is clearly a backland development. The loss of the rear gardens and the impact of four new buildings on an otherwise green space, adjacent to the Green Belt and clearly visible from both public and private areas would be detrimental to the character of the area.

With a strong policy justification now in place to refuse such inappropriate development, the principle of this scale of residential development on this site is unacceptable. However, this in principle objection has to be considered against other planning policies and considerations as detailed below.

7.02 Density of the proposed development

The London Plan advises that Boroughs should ensure that development proposals achieve the maximum intensity of use compatible with the local context, design principles and public transport accessibility.

The proposed houses would result in a density of 30 units per hectare which is below the guidance set out in the London Plan. However, notwithstanding the in principle objection to the development the density of the proposed development is considered acceptable and would not materially affect the established density in the area. The development would, however, affect the character of the area.

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

The site is not within or adjacent a special character area.

7.04 Airport safeguarding

There are no airport safeguarding issues raised by this application.

7.05 Impact on the green belt

The site is not situated within Green Belt land although it is adjacent to it. However, given the existing built environment and its relationship with the boundary, it is considered on balance that there would be no adverse impact on the openness of the Green Belt. Where seen from within the adjoining Green Belt the buildings would be seen as a continuation of the Knoll Crescent properties. No Green Belt issues are therefore raised by this application.

7.06 Environmental Impact

With the exception of the impact upon trees, which is dealt with elsewhere in this report, there are no other environmental impacts raised by this application.

7.07 Impact on the character & appearance of the area

As detailed elsewhere in this report, the proposed development would impact on the

character and appearance of the area, resulting in the loss of an area of open space and trees that contribute to the character of the area and the amenities of existing residents that surround the site.

This is particularly apparent from the end of Knoll Crescent, where the access to the proposed site would be created and the houses constructed. This area currently forms an essential break in the built form and an area of amenity that contributes to the streetscene. It also provides a useful turning area for vehicles, emphasising its openness. The loss of this area to further buildings would harm this openness and amenity value, as well as resulting in the loss of trees.

Similarly the open aspect from the rear of the properties in The Drive, including the donor property and No.41, would be lost.

The proposal would therefore fail to retain the open and green nature that is characteristic of the area, and would be contrary to Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007), and Policy 3.5 of the London Plan (July 2011).

7.08 Impact on neighbours

The Council's Supplementary Planning Document HDAS: Residential Layouts requires buildings of two or more storeys to maintain at least a 15m separation distance from adjoining properties to avoid appearing overdominant and a 21m distance maintained between facing habitable room windows and private amenity space, considered to be a 3m deep 'patio' area adjoining the rear elevation of a property to safeguard privacy.

Whilst the proposed development would result in a change in character of the area, it is considered that there would be no adverse impact on the amenities of adjoining occupiers. Appropriate conditions could be imposed on any planning permission granted to ensure that there would be no adverse impact on the amenities of the adjoining occupiers, such as, for example through the provision of obscure glazing, or preventing the installation of roof extensions and dormers, or outbuildings.

The new buildings would be sited at a lower level than the properties in The Drive, similar to the existing relationship with other properties in The Drive and Knoll Crescent. The relationship between the new buildings with the properties adjacent in Knoll Crescent would also be satisfactory.

There would thus be no significant adverse impact in terms of loss of light or privacy, or overlooking or any overbearing impact or visual intrusion that would justify a refusal of planning permission.

In this respect the proposal is therefore considered to comply with Policies BE20, BE21 and BE24 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2009).

7.09 Living conditions for future occupiers

London Plan Policy 3.5 states that LDF's should incorporate minimum space standards that generally conform with Table 3.3 - Minimum space standards for new development. The recommended minimum space standard for new 2 storey 4 bedroom 5 person houses is 100 sq m based on gross internal area.

The Council's Supplementary Planning Document HDAS: Residential Layouts states that a minimum 92m² of internal floor space should be provided for a 2 storey 4 bed house

house in order to achieve satisfactory living conditions.

The proposal would meet these requirements with a floor area of approximately 142m² for each house. Furthermore, all habitable room windows would have a satisfactory outlook and receive adequate daylight.

The SPD also advises that amenity space should be provided for houses at a minimum level of 100m² per unit and that space needs to be usable, attractively laid out and conveniently located. The smallest of the rear gardens would be 9m in length, and the longest 12m in length, and combined with the width of the plots and elements of amenity space to the side and front of the houses, over 100m² of amenity space would be provided for each dwelling. However, as detailed in the Trees Officers comments, this would be at the expense of many trees being lost to accommodate the development, yet retaining pressure on the remaining trees which would overshadow much of this amenity space. The quality of the amenity space would not therefore be particularly high.

Nevertheless, and on balance, and notwithstanding concerns about the loss of trees detailed elsewhere in this report, it is considered that the units would provide a satisfactory standard of residential amenity. As such, the scheme complies with Policies BE23 and BE24 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.10 Traffic impact, car/cycle parking, pedestrian safety

Two parking spaces are provided for each dwelling. This is considered satisfactory and in accordance with the Council's parking standards.

The Council's Highways Engineer raises no objection to the proposed parking and access arrangements (other than in respect of waste collection facilities). As such, it is considered that the scheme complies with Policies AM7 and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.11 Urban design, access and security

Notwithstanding the in principle objection to the development and the impact of the development on the verdant character of the area the design of the houses and their relationship with each other, in their own right, are considered acceptable.

With regard to and access and security, had the application not been recommended for refusal, conditions would have been sufficient to ensure compliance with the requirements of Policy BE18 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's Supplementary Planning Guidance on Community Safety by Design.

7.12 Disabled access

The London Plan (2011) requires all new residential development to satisfy Lifetime Homes standards and detailed guidance is provided by the Council's SPD: Accessible Hillingdon.

The applicant has indicated that the proposal would comply with such standards, including Part M of the Building Regulations. If the proposal had not been recommended for refusal, ensuring compliance with Lifetime Homes standards could have been dealt with by way of a condition.

In this respect the proposal is therefore considered to comply with Policies Pt1.10, 1.16 and 1.30 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2009) and the Hillingdon Design and Accessibility Statement.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

Policy BE38 of the Saved UDP requires development proposals to retain and utilise landscape features of merit and provide new planting wherever appropriate.

As detailed in the Trees and Landscape Officers comments, it is considered that the scheme does not make adequate provision for the long-term protection of several trees on and off-site, nor does it take into account the future growth/size of trees. Furthermore, the loss of the trees forming the large part of the tree mass will have a detrimental impact on the green vista and arboreal/wooded character of the area. The scheme is therefore unacceptable, and contrary to Policy BE38 of the adopted Hillingdon Unitary development Plan Saved Policies (September 2007).

7.15 Sustainable waste management

The houses would have individual bin stores and the future occupiers could bring their rubbish to the end of the proposed access drive on refuse collection day accordingly the waste management provision is not considered to raise a concern.

7.16 Renewable energy / Sustainability

If the proposal had not been recommended for refusal, ensuring compliance with renewable energy requirements and sustainability standards could have been dealt with by way of a condition. The Energy Statement submitted with the application indicates that the proposed houses would provide at least 20% of the developments energy demand from on-site renewable energy sources. This would be primarily through the use of an air sourced heat pump in this instance.

In this respect the proposal is therefore considered to comply with the policies of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2009) and Policy 5.3 of the London Plan (2011).

7.17 Flooding or Drainage Issues

Policy OE8 seeks to ensure that new development incorporates appropriate measures to mitigate against any potential increase in the risk of flooding. The site is not within a flood zone. A sustainable urban drainage condition could have been attached had the application not been recommended for refusal.

7.18 Noise or Air Quality Issues

It is considered that the proposal would not give rise to any additional noise or air quality issues of concern.

7.19 Comments on Public Consultations

Point (a) is dealt with in section 7.01 of the report.

Points (b), (c), (e) and (f) are noted and dealt with in sections 7.14 and in the observations received from the Council's Trees and Landscape Officer.

Points (d) and (q) are matters best addressed to Thames Water as the local water utility company rather than as a material planning consideration. Thames Water were consulted on the scheme.

Points (g), (i), (t) and (y) are addressed in section 7.07 and elsewhere in the body of the report.

Point (s) is addressed within section 7.08 of the report

Points (h), (t), (u), and (v) are addressed in section 7.10 of the report.

Points (j), (k), (l), (m), (n), (o) and (p) although may be making valid points are not material planning consideration in determining the application including the right to a view (point).

Point (r) is noted

Point (w) A site notice was displayed.

Point (x) . Immediate neighbours were consulted in writing and a site notice was displayed to inform the wider neighbourhood

7.20 Planning Obligations

Policy R17 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) is concerned with securing planning obligations where appropriate to offset the additional demands made by new development upon recreational open space, facilities to support arts, cultural and entertainment activities, and other community, social and education facilities in conjunction with other development proposals. This is supported by more specific supplementary planning guidance.

It is considered that the scale and nature of development proposed would generate a need for additional school facilities and Education Services and this scheme would need to make a total contribution to mitigate the impact of the development. Calculated in accordance with the Council's Planning Obligations SPd this would equate to £29,391. As the application is being recommended for refusal, no detailed negotiations have been entered into with the prospective developer in respect of this contribution. Although, the applicant has indicated a willingness to provide such a contribution no legal agreement has been completed to ensure the application would comply with Policy R17 of the UDP Saved Policies (September 2007). The application is also therefore recommended for refusal for this reason.

7.21 Expediency of enforcement action

There are no enforcement issues raised by this application.

7.22 Other Issues

The only other relevant planning consideration raised by this application is the likely impact of the proposal upon the development potential of adjoining rear garden land. Although the proposal would restrict access to a possible larger site, given that the proposal involving the loss of garden land is considered inappropriate, development upon a larger area of garden land would also not be encouraged. As such, it is considered that the scheme would not be contrary to Policy BE14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The

specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The proposal would involve the loss of garden land, a number of trees and landscaping which contribute to the character and appearance of the surrounding area.

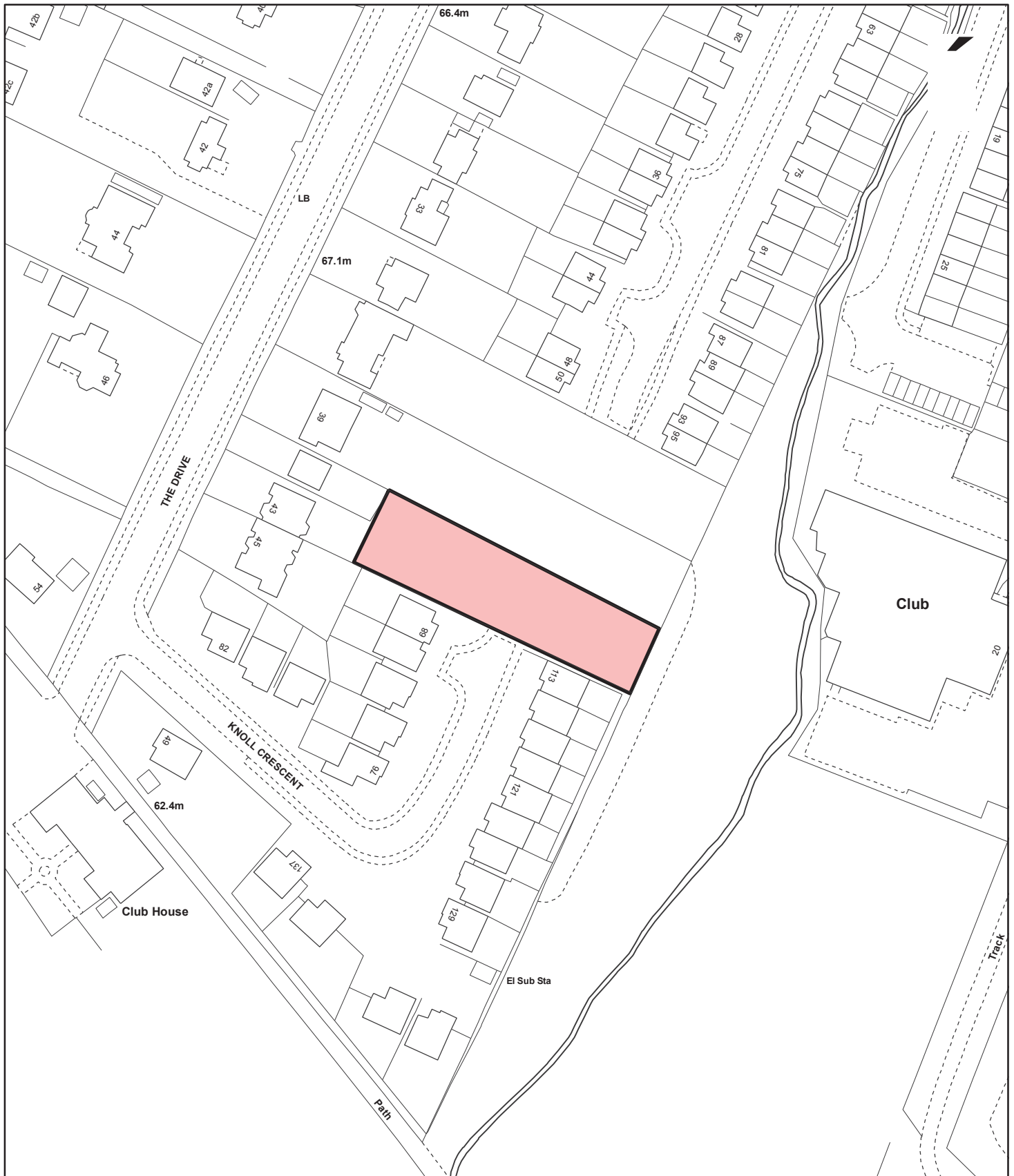
There is now a greater policy emphasis against back garden development such as this. It is considered that the development would be contrary to these policies and accordingly it is recommended for refusal.



11. Reference Documents

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

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<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>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).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2012 Ordnance Survey 100019283</p>	<p>Site Address</p> <p style="text-align: center;">41 - 43 The Drive, Northwood</p>		<p>LONDON BOROUGH OF HILLINGDON Planning, Environment, Education & Community Services Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p> <p style="text-align: center;">  HILLINGDON LONDON</p>
	<p>Planning Application Ref:</p> <p style="text-align: center;">68458/APP/2012/779</p>	<p>Scale</p> <p style="text-align: center;">1:1,250</p>	
	<p>Planning Committee</p> <p style="text-align: center;">North</p>	<p>Date</p> <p style="text-align: center;">July 2012</p>	