

Report of the Corporate Director of Planning & Community Services

Address LAND FORMING PART OF 9 WOODLANDS AVENUE RUISLIP

Development: Erection of two storey building comprising of 2 two-bedroom duplex units with associated parking and new vehicular crossover.

LBH Ref Nos: 66096/APP/2009/1238

Drawing Nos: 2355 03A
2355 02A
2355 08
2355 06
2355 01
Design & Access Statement
6 x Photographs
2355 04
2355 05

Date Plans Received: 10/06/2009 **Date(s) of Amendment(s):**
Date Application Valid: 08/07/2009

1. SUMMARY

This scheme proposes to erect a detached two storey block to replace an existing single storey side extension in order to provide 2, two bedroom duplex houses. It is considered that the scheme would be detrimental to the visual amenities of the street scene on this prominent corner plot and would fail to leave an appropriate undeveloped gap between this and the side elevation of No.9 Woodlands Avenue. Furthermore, the scheme would result in the overlooking of adjoining properties, fails to provide a satisfactory standard of residential accommodation for its future occupiers, including 'Lifetime Homes' standards, is deficient in off-street car parking, would be detrimental to pedestrian and highway safety and fails to provide a tree survey.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposal, by reason of its excessive density, overall size, reduced ridge height, siting, rear projection and design, would appear as an incongruous and intrusive addition to the street scene on this prominent corner plot. The proposal would give rise to a cramped form of development and erosion of the open character of this corner plot, which would be detrimental to the visual amenities of the street scene and character and appearance of the surrounding area. The proposal is therefore contrary to Policy 3A.3 and Table 3A.2 of the London Plan (February 2008), Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2008) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

2 NON2 **Non Standard reason for refusal**

The proposed building, by reason of its overall size, design, siting and proximity to the side

boundary, would fail to retain a minimum 2m gap for the full height of the proposed development between this and the side elevation of the neighbouring property, No.9 Woodlands Avenue, giving rise to a cramped form of development, which would be detrimental to the visual amenities of the street scene and character and appearance of the surrounding area. The proposal is therefore contrary to Policies BE13, BE19 and BE22 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2008) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

3 NON2 Non Standard reason for refusal

The proposed development by reason of the siting of the proposed first floor rear bedroom window(s) would result in the direct overlooking of the rear gardens of the adjoining properties, Nos. 9 and 11 Woodlands Avenue, causing an unacceptable loss of privacy and residential amenity to the adjoining occupiers. The proposal is therefore contrary to policies BE19 and BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

4 NON2 Non Standard reason for refusal

The proposed units, due to their size, fail to provide an adequate amount of internal floor space, and therefore would fail to afford an adequate standard of residential amenity for their future occupiers. The proposal is therefore contrary to policy BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

5 NON2 Non Standard reason for refusal

The proposal would fail to provide an adequate amount of amenity space for the occupiers of the proposed units, and therefore would provide a sub-standard form of residential accommodation and as such, would be likely to result in an overintensive use of the areas provided to the detriment of the amenity of the neighbouring occupiers and character of the area. The proposal is therefore contrary to policies BE19 and BE23 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

6 NON2 Non Standard reason for refusal

The proposal fails to provide a tree survey and the Local Planning Authority has therefore been unable to assess the impact of proposal upon trees on and close to the site and the scheme's landscape impact, contrary to policy BE38 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

7 NON2 Non Standard reason for refusal

The proposal fails to provide adequate off-street car parking in accordance with the Council's adopted car parking standards (Annex 1, adopted Hillingdon Unitary Development Plan, Saved Policies, September 2007). As such, the proposal is likely to give rise to additional demand for on-street car parking, which is limited in the area. The proposal is therefore likely result in additional competition for on-street car parking, detrimental to the residential amenity of the area, contrary to policy AM7, AM14 and BE19

of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

8 NON2 Non Standard reason for refusal

The proposal, due to the widening of an existing double driveway and the lack of a visibility splay for the new off-street car parking space for Unit B, would be likely to result in drivers emerging from the car parking space being unsighted of pedestrians using the adjoining public footpath on a length of footpath that would have a reduced pedestrian refuge area. The proposal is therefore likely to be detrimental to pedestrian and highway safety, contrary to policy AM7(ii) of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

9 NON2 Non Standard reason for refusal

The proposal fails to satisfy 'Lifetime Homes' Standards, contrary to policies 3A.5, 3A.13, 3A.17 and 4B.5 of the London Plan (February 2008) and the Council's adopted Supplementary Planning Document HDAS: Accessible Hillingdon.

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

| | |
|------|---|
| 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. |
| AM7 | Consideration of traffic generated by proposed developments. |
| BE13 | New development must harmonise with the existing street scene. |
| AM14 | New development and car parking standards. |
| R17 | Use of planning obligations to supplement the provision of recreation |

| | |
|-------|---|
| HDAS | leisure and community facilities Residential Layouts Accessible Hillingdon |
| LPP | London Plan (February 2008) |
| CACPS | Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007) |
| SPG | Planning Obligations |

3. CONSIDERATIONS

3.1 Site and Locality

The application site forms part of the curtilage of No.9 Woodlands Avenue, which occupies a corner plot located on the north western side of Woodlands Avenue at its junction with Newnham Avenue. No.9 is a semi-detached property which has been extended with single storey side and rear extensions and there is a detached garage at the end of its rear garden with an attached canopy, accessed from Newnham Avenue. The application site comprises the left hand side of the plot, from the side elevation of the original house and has a maximum width of 8.6m, which tapers to a width of 6.8m at the rear, adjoining the garage access, with an overall length of 33.7m.

The surrounding area is primarily characterised by semi-detached houses, although the adjoining properties on Newnham Avenue, Nos.17 to 23, are semi-detached bungalows. The area forms part of the 'developed area' as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

3.2 Proposed Scheme

The application seeks permission to erect a detached two storey building, providing 2 two-bedroom duplex units, involving the demolition of the single storey side extension at No.9 Woodlands Avenue. The building would be 6m wide and 11.35 deep, set back from the side elevation of No.9 by 0.85m. The building would align with the front elevation of the adjoining pair of semi-detached properties, projecting some 3m beyond their main rear elevation at first floor level, but aligning with their single storey rear extensions on the ground floor.

The building would have a hipped roof design, 5.1m high to eaves level and 7.5m high to its ridge and would incorporate 1 metre deep front and rear two storey bays.

The building would be divided vertically to provide front and rear duplex houses, with the rear garden area divided to provide separate amenity space for the two units. The front house (Unit A) would be accessed from a front door and the rear house (Unit B) would be accessed by a side door from Newnham Avenue. The rear garden would be divided across its width, so that the adjoining part of the rear garden would serve Unit B, accessed from rear French windows to its living room and the rear part of the garden, serving Unit A would be accessed via the 0.85m wide passageway between the new building and No.9 Woodlands Avenue and the side of Unit B's amenity space.

The front garden would provide one off-street car parking space and a new car parking space and vehicular crossover would be provided at the rear of the amenity space,

adjacent to the existing garage which together with the hardstanding area in front, would serve No.9 Woodlands Avenue.

3.3 Relevant Planning History

Comment on Relevant Planning History

25318/APP/2007/2680 - Construction of a dummy pitched roof over existing side extension (Retrospective Application) - Refused 19th October 2007 for the following reason:

The dummy pitched roof above the single storey side extension by reason of its overall size, bulk, scale and height in relation to the original house represents an incongruous and visually intrusive addition on this prominent corner site. It detracts from the appearance of the original house and the street scene generally, contrary to Policies BE13, BE15 and BE19 of the Borough's adopted Unitary Development Plan and section 4.0 of the Hillingdon Design & Accessibility Statement: 'Residential Extensions'.

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.

Part 2 Policies:

- 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.
- AM7 Consideration of traffic generated by proposed developments.
- BE13 New development must harmonise with the existing street scene.
- AM14 New development and car parking standards.
- R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities
- HDAS Residential Layouts
Accessible Hillingdon

| | |
|-------|---|
| LPP | London Plan (February 2008) |
| CACPS | Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007) |
| SPG | Planning Obligations |

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **19th August 2009**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

16 neighbouring properties have been consulted and a site notice has been displayed. A petition with 87 signatories and 5 individual responses have been received (two from same occupier), raising the following concerns:

Petition

'Please find enclosed a 'petition' strongly 'objecting' to the above proposal.

The consultation letters which were sent by yourselves were dated the 24th July (Friday) but were not received by the residents until the 29th July (Wednesday). The residents held a meeting on the 2nd August (Sunday) at 8pm 'strongly objecting to this application' which has been minuted. Due to the time of year many residents including myself are away or going away on their annual holidays so it was difficult obtaining signatures. Had the application been made earlier or later in the year we would have had a lot more time obtaining signatures, thus giving us further support.

We would like to request that a representative speaks on behalf of the residents, at the North Planning Committee meeting.'

Individual Responses

- (i) Strongly object to application and will be contacting local residents to raise a petition;
- (ii) Proposal on a prominent corner plot in area of predominantly semi-detached 1930s houses. Proposed flats on such a small space would be very different and detrimental to the character of the area;
- (iii) Discrepancy between the application forms which states 2 x one-bedroom flats and the plans which show 2 x two-bedroom flats. Form also refers to demolition of double garage but this was converted to living accommodation some 3 years ago;
- (iv) Proposed flats would have small rooms with 59m² overall floor space which falls below the 63m² area required by planning regulations and therefore are sub-standard;
- (v) Roof of side extension refused retrospective planning permission on grounds of overall size, bulk, scale and height. It was deemed incongruous and visually intrusive, detracting from the appearance of the original property and the street scene. We fail to see how the proposal would be any less offensive to the eye;
- (vi) Proposal would remove garden space;
- (vii) Units would overlook surrounding properties;
- (viii) Building should be at least 1 metre away from the adjacent property and there is not the space for such a development;

- (ix) There must be a sustainable drainage system as history of flooding problems in Newnham and Woodlands Avenue;
- (x) Additional crossover and congestion in area will be detrimental to road safety;
- (xi) The single off-street parking spaces proposed for each flat would be likely to be deficient for the occupiers of the two-bedroom properties who would be likely to have at least two cars. One of these spaces is already used by applicant for one of his vehicles and he already parks a building lorry in Newnham Avenue;
- (xii) No tree survey submitted;
- (xiii) Large Eucalyptus tree in garden already blocks sunlight to No.11 Woodlands Avenue;
- (xiv) Rear bay windows project too far;
- (xv) Bin stores would be detrimental in street scene;
- (xvi) Car parking space for Unit B would be difficult to implement due to proximity of Eucalyptus tree
- (xvii) Development will be intrusive to No. 11 Woodlands Avenue;
- (xviii) Development will overlook No.11 Woodlands Avenue, 52 Newnham Avenue and other properties;
- (xvix) No. 9 Woodlands Avenue, with rear garden trees, garage and attached canopy already blocks out large amount of sunlight from No.11 Woodlands Avenue. This proposal would exacerbate this situation; and
- (xx) Proposal would be detrimental to road safety, particularly school children from Newnham School on Newnham Avenue, who should have been consulted.

Eastcote Residents' Association:

- (i) Very muddled, even shambolic application, lacking in detail;
- (ii) Description should take into account the demolition of the side extension, which was once a garage;
- (iii) Design & Access Statement refers to 1 bedroom flats;
- (iv) Application for the retention of the dummy pitched roof was refused due to its overall size, bulk, scale and height in relation to the original house, intrusive on the corner plot. This current application, due to its overall size, bulk and scale would be even more intrusive, out of keeping with the street scene;
- (v) 59.12m² internal floor areas are inadequate for two bedroom properties as a minimum of 63m² is required;
- (vi) No details given of existing layout of No.9, nor how it would be laid out once side extension removed;
- (vii) The gap between No.9 and the proposed building is at most 1m. There should be at least 2 to 3m between buildings;
- (viii) Proposed bin store in front garden of Unit A would be out of keeping with the street scene, as would be the general lack of a front garden. It will resemble a car park, not a residential street;
- (ix) These dwellings would look like semi-detached houses and each property would have their own ground and first floors. They should therefore be considered as houses and as such, do not provide adequate amenity space.

A Ward Councillor has requested that this application be presented to committee.

Internal Consultees

HIGHWAYS:

Parking provision at one per dwelling within the site curtilage does not comply with the Council's parking standards (Saved UDP policies). The shortfall in parking provision is likely to impact on the limited availability of on street parking.

Widening of the existing double crossover and lack of adequate visibility splay for the vehicle

emerging from the parking space is likely to compromise pedestrian safety.

The application cannot be supported on highway grounds.

TREES AND LANDSCAPE OFFICER:

There are trees on and close to the site, but the application does not include a tree survey as required by Saved Policy BE38 of the UDP, which also requires the retention of landscape features of merit as part of developments, or any other tree-related information. It is not, therefore, possible to make a full and proper assessment of the tree and landscape impact of the scheme or to ensure that it complies with Saved Policy BE38.

For this reason, the application is unacceptable.

EPU (LAND CONTAMINATION):

No objection, subject to a condition requiring soils to be tested for contamination.

WASTE AND RECYCLING CO-ORDINATOR:

Scheme makes adequate provision for waste and recycling facilities. Food waste grinders should be included as standard as part of the kitchen sink unit to allow residents to indirectly recycle their food wastes by grinding it and washing it down into the waste water system for composting by the re4levant water company. A Site Waste Management Plan is also required.

EDUCATION SERVICES:

The work to the existing house results in a loss of 3x habitable rooms, and the erection of the two new houses provides 8 habitable rooms, and the net gain is only 5 habitable rooms.

Based on the information provided, no contribution is requested.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The single storey side extension has little or no architectural merit and no objections are raised to its demolition. Furthermore, this is an established residential area and therefore there are no objections in principle to the proposed residential use of the site.

7.02 Density of the proposed development

The scheme would have a residential density which equates to approximately 308 habitable rooms per hectare (hr/ha) and 77 u/ha. The proposed density therefore exceeds the London Plan recommended guidelines having regard to the sites Public Transport Accessibility Level (PTAL) score of 3 (150-250 hr/ha and 35-65 u/ha), as indicated in Table 3A.2 of the London Plan. The fact that the application is considered to be detrimental to the visual amenities of the street scene, resulting in a cramped form of development, overlooking of adjoining properties and its failure to provide a satisfactory standard of residential accommodation for future occupiers and off-street car parking to Council standards is indicative of the excessive density proposed.

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

Not applicable to this application

7.04 Airport safeguarding

Not applicable to this application

7.05 Impact on the green belt

Not applicable to this application

7.06 Environmental Impact

Not applicable to this application

7.07 Impact on the character & appearance of the area

Policies BE13 and BE19 of the Hillingdon Unitary Development Plan (Saved Policies, September 2007) seek to ensure that new development complements and improves the character and amenity of the area. Policy BE22 seeks to ensure that residential development of two or more storeys maintains a minimum gap of 1m from the side boundary.

The application site forms part of a prominent corner plot. The proposed building would maintain the front building line of properties on this side of Woodlands Avenue, match their eaves height and mimic their front two storey projecting bays. Furthermore, the proposed building would have a width of approximately 6m which compares to the adjoining properties. However, these properties have linked hipped roofs which run parallel with the street as opposed to the proposal which has a ridge which is perpendicular to Woodlands Avenue. As a result, whilst the roof pitch is similar to surrounding development, the overall ridge height of the roof is much reduced and the two storey building appears somewhat squat and out of character as compared to its neighbours. Also, at the rear, the building would project beyond the main rear building line of the adjoining properties by 3m, which increases to 4m with the projecting rear bay, which is not a feature found at the rear of surrounding properties.

Properties fronting this side of Newnham Avenue have a staggered siting so that there is no clearly defined return building line. Furthermore, given the distance to the nearest property on Newnham Avenue, which is a bungalow, together with the screening provided by existing trees in the rear garden, it is considered that the proposed development would not be viewed in the context of the existing buildings on Newnham Avenue. However, the proposed two storey building would, at the front, maintain a maximum gap of approximately 1.6m to the side boundary of the plot on Newnham Avenue, which reduces to 0.9m at the rear. It is considered that the two storey building with this siting would erode the open character of this corner plot, to the detriment of the street scene.

Furthermore, the proposed building would be sited some 0.85m from the side elevation of the existing semi-detached property, No.9 Woodlands Avenue. The surrounding area is characterised by semi-detached houses, which typically have shared driveways and garages at their sides, which separate the pairs of properties by distances of approximately 2.5m and 5m respectively. The proposal, with a gap of 0.85m, instead of the minimum 2m as required by policy BE22 of the saved UDP would appear too narrow and the development unduly cramped in this context.

The proposal is therefore considered to represent an incongruous and intrusive form of development in the street scene, contrary to policies BE13, BE19 and BE22 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

7.08 Impact on neighbours

The proposed residential use would be unlikely to result in a detrimental impact upon

surrounding residential properties by reason of increased noise and general disturbance. As such, the proposal accords with policy OE1 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2009).

Both Nos.9 and 11 Woodlands Avenue have single storey rear extensions of a similar depth to that of the proposal. On the first floor, the proposal would project 3m beyond the rear elevation of No.9, increasing to 4m with the projecting rear bay. Although the proposal would encroach upon the 45° line of sight from the nearest first floor rear window at No.9, as this serves a bathroom, there would be no significant impact upon any neighbouring habitable room window. Furthermore, the rear bay would be chamfered and only project a further 1m and be sited at least a metre from the shared side boundary so that it would not appear unduly dominant upon neighbouring property.

The rear elevations of these properties have a north west facing aspect. The proposal would mainly overshadow the side elevation and rear garden of No.9 during the afternoon, but given the orientation of No.9, much of the garden area involved would already be overshadowed by No.9 itself and its rear extension. The proposal therefore complies with policies BE20 and BE21 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

As regards the potential for overlooking, the only side windows proposed would serve non-habitable rooms or are secondary and therefore could be obscure glazed and be made non-opening to safeguard the privacy of neighbouring properties. At the rear, the proposal would mainly overlook the front garden of No.23 Newnham Avenue, and be sited more than 21m from any windows in this property. To the front, the proposal would be sited no closer to the properties on the opposite side of the road than existing properties. However, the rear projection of the proposed building, coupled with the angled side windows in the bay projection would result in a main bedroom window directly overlooking the rear gardens of Nos.9 and 11 Woodlands Avenue, resulting in a significant loss of privacy. The scheme is therefore contrary to policies BE19 and BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

7.09 Living conditions for future occupiers

The units would have separate accesses and their habitable rooms would have adequate outlook and natural lighting. However, Paragraphs 4.6 to 4.8 and Table 2 of the Council's HDAS Design Guide: 'Residential Layouts' advise that two bedroom units should have a minimum floor area of 63m². The plans show the units to each have a floor area of 59.12m² which would not provide adequate internal floor space to provide a satisfactory standard of residential accommodation.

The guidance also goes on to advise at paragraphs 4.14 to 4.16 that two and three bedroom houses should have a minimum amenity area of 60m². Although not shown as being within the application site, the plan does indicate that No.9 Woodlands Avenue would retain a rear amenity area of approximately 92m². The plans show that areas of 43.8m² (Unit A) and 43.16m² (Unit B) would be provided for the new units. Amenity space provision for the new units is therefore deficient. As such, the scheme fails to provide adequate amenity space and would be contrary to policy BE23 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and paragraphs 4.14 to 4.16 of the Council's HDAS Design Guide: 'Residential Layouts'.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The plans show that No.9 Woodlands Avenue would be served by the existing garage in its rear garden and the space to the front of the garage, accessed by an existing crossover.

Unit A would have one off-street car parking space in the front garden, served by an existing vehicular crossover and Unit B would be served by a 4.8m by 2.4m off-street space that would be provided adjacent to the existing garage. The Council's Highway Engineer advises that the parking provision of one per dwelling does not comply with the Council's parking standards and the shortfall is likely to impact on the limited availability of on-street parking. Also, the widening of the existing double crossover and lack of adequate visibility splay for vehicles emerging from the parking space is likely to compromise pedestrian safety.

7.11 Urban design, access and security

See Section 7.07

7.12 Disabled access

The proposal fails to satisfy 'Lifetime Homes' standards. There are no ground floor level wheelchair accessible WCs and the side passageway would be too narrow to allow disabled access to the rear amenity space serving Unit A. As such the scheme is contrary to the Council's policies and Supplementary Planning Document HDAS: Accessible Hillingdon.

7.13 Provision of affordable & special needs housing

Not applicable to this application

7.14 Trees, Landscaping and Ecology

There are trees on and close to the site. The Council's Trees Officer advises that in the absence of a Tree Survey, it has not been possible to assess the impact of proposal upon these trees. As such, the scheme is contrary to policy BE38 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007)

7.15 Sustainable waste management

Policy 4A.21 of the London Plan (February 2008) requires development to have regard to and contribute to a reduction in waste produced. This would have been conditioned had the scheme been recommended favourably.

7.16 Renewable energy / Sustainability

Policies 4A.1 and 4A.3 of the London Plan (February 2008) require development to have regard to climate change and seek to reduce the amount of carbon emissions generated by new development by utilising sustainable design and construction techniques and sustainable energy. This would have been conditioned had the scheme been recommended favourably.

7.17 Flooding or Drainage Issues

The application site is not within a Flood Risk Area. Had the application been recommended favourably, this would have been dealt with by condition.

7.18 Noise or Air Quality Issues

Not applicable to this application

7.19 Comments on Public Consultations

The comments made by the petitioners are noted.

As regards the comments made in the individual responses, points (i), (iii), (vi) (xiii) and (xvi) are noted. Points (ii), (iv), (v), (vii), (viii), (ix), (x), (xi), (xii), (xiv), (xvii), (xviii) and (xvix) are dealt with in the main report. As regards point (xv), detailed bin store siting and screening could be conditioned if the application were to be recommended favourably. In terms of point (xx), Newnham Infant and Junior School does not adjoin the site and its entrance, over 100m away on Newnham Avenue, is too far removed to be directly affected by the proposal. A notice was displayed on site to ensure that a wider public consultation was carried out.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

Not applicable to this application.

8. Observations of the Borough Solicitor

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

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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

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

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

9. Observations of the Director of Finance

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

Although national and local planning policies seek to ensure that best use is made of existing developed land, this should not be at any cost. In this respect, the scheme is

considered detrimental to the visual amenities of the street scene and the residential, amenities of surrounding occupiers, fails to provide a satisfactory standard of residential accommodation for its future occupiers, including 'Lifetime Homes' standards, is deficient in off-street car parking, would be detrimental to pedestrian and highway safety and fails to provide a tree survey and is thus recommended for refusal.

11. Reference Documents


Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007)
London Plan (February 2008)
HDAS: 'Residential Layouts' & 'Accessible Hillingdon'
Council's Adopted Car Parking Standards (Annex 1, Hillingdon Unitary Development Plan, Saved Policies, September 2007)
Consultation responses

Contact Officer: Richard Phillips

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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Site Address

**Land forming part of
9 Woodlands Avenue
Ruislip**

Planning Application Ref:
66096/APP/2009/1238

Planning Committee
North

Scale
1:1,250

Date
August 2009

**LONDON BOROUGH
OF HILLINGDON
Planning &
Community Services**

Civic Centre, Uxbridge, Middx. UB8 1UW
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