

## Report of the Head of Planning & Enforcement Services

**Address** REAR OF 54 SWAKELEYS DRIVE ICKENHAM

**Development:** 1 x two storey 5-bedroom detached dwelling with habitable roofspace and 1 x two storey 5-bedroom detached dwelling, with associated parking and double garage and alterations to existing driveway and installation of new vehicular crossover to front.

**LBH Ref Nos:** 53998/APP/2012/1741

**Drawing Nos:** 114 P1  
Land Survey  
Design and Access Statement  
102 P1  
112 P5  
122 P5  
123 P3  
127 P5  
130 P1  
100 P1  
113 P2  
117 P5  
104 P10  
CSa/1976/100D

<b>Date Plans Received:</b>	16/07/2012	<b>Date(s) of Amendment(s):</b>	16/07/2012
<b>Date Application Valid:</b>	24/07/2012		14/03/2013
			24/07/2012
			05/11/2012

### 1. SUMMARY

Planning permission is sought for the erection of 2 no. two storey, 5-bedroom, detached dwellings with a double garage (for Plot 1) and parking (for Plot 2) for two vehicles, together with associated landscaping, alterations to the existing driveway and the installation of a new vehicular crossover to front.

This application follows the granting of permission at appeal for two dwellings (under ref. 53998/APP/2009/1186) in July 2010. It is therefore considered that the principle for siting and the impact of two new dwellings on this site has already been established by that decision.

In particular, it is considered that the siting of the two houses would not result in a conspicuous form of development adjacent to the Green Belt and would not unacceptably encroach into the open setting of 'Swakeleys House' a Grade I Listed Building.

The proposal would therefore represent an acceptable form of development in harmony with the existing street scene and complementary to the open character of the surrounding Ickenham Village Conservation Area.

Furthermore, the current proposal would provide an adequate standard of living accommodation and amenities for its future occupiers whilst the amount of traffic

generated by the two additional houses would not result in unacceptable levels of intrusion or noise nuisance that would be to the detriment of the existing occupiers of 54 Swakeleys Drive.

The application is therefore recommended for approval subject to the applicant entering into a Section 106 legal agreement relating to a financial contribution in respect of future educational needs.

## **2. RECOMMENDATION**

**a) That the Council enters into a legal agreement with the applicant under Section 106 of the 1990 Town & Country Planning Act (as amended) or other appropriate legislation to secure:**

**i) Educational facilities contribution of £27,455.**

**b) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Statement and any abortive work as a result of the agreement not being completed.**

**c) That planning officers be authorised to negotiate and agree details of the proposed Statement.**

**d) If the Legal Agreement/s have not been finalised before within 6 months of the date of this resolution, delegated authority be given to the Head of Planning, Sport and Green Spaces to refuse planning permission for the following reason:**

**'The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of education). The proposal therefore conflicts with Policy R17 of the adopted Local Plan and the Council's Planning Obligations SPG.**

**e) That subject to the above, the application be deferred for determination by the Head of Planning and Enforcement under delegated powers, subject to the completion of the Statement.**

**f) That if the application is approved, the following conditions be attached:-**

### **1 RES3 Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

#### **REASON**

To comply with Section 91 of the Town and Country Planning Act 1990

### **2 RES4 Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 100 P1 (Site Location Plan), 104 P810 (Proposed Site Plan), 112 P5 (Plot 1, Floor Plans), 113 P2 (Plot 1, Loft/Roof Plans), 114 P1 (Proposed Garage), 117 P5 (Plot 1, Elevations) 122 P5 (Plot 2, Floor Plans) 123 P3 (Plot 2, Loft/Roof Plans) and 127 P5 (Plot 2, Elevations) 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 Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and the London Plan (July 2011).

**3 RES7 Materials (Submission)**

No development shall take place until details of all materials and external surfaces 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 Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

**4 NONSC Non Standard Condition**

No development shall take place until a Method of Construction Statement, to include details of:

- (a) The phasing of the development works;
- (b) The hours during which development works will occur;
- (c) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing;
- (d) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities);
- (e) Traffic management and access arrangements (vehicular and pedestrian) and parking provision for contractors during the development process (including measures to reduce numbers of construction vehicles accessing the site during peak hours);
- (f) Measures to reduce the impact of the development on local air quality and dust through emissions throughout the demolition and construction process;
- (g) The storage of demolition/construction materials on site

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

REASON

To ensure the satisfactory protection of the amenities of the surrounding properties in accordance with Policy BE24 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

**5 RPD2 Obscured Glazing and Non-Opening Windows (a)**

The rooflight windows facing Nos. 4 and 10 Vyners Way (on Plots 1 and 2 respectively) 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 Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

**6 RPD1 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 Nos. 2 to 12 Vyners Way.

**REASON**

To prevent overlooking to adjoining properties in accordance with Policy BE24 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

**7 RPD9 Enlargement to Houses - Roof Additions/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 addition to or enlargement of the roof of either of the dwelling houses shall be constructed.

**REASON**

To preserve the character and appearance of the development and protect the visual amenity of the area and to ensure that any additions to the roof are in accordance with Policy BE15 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

**8 NONSC Non Standard Condition**

The parking areas (including where appropriate, the marking out of the parking spaces) including the garage shown on the approved plans, shall be constructed, designated and allocated for the sole use of the occupants prior to the occupation of the development and thereafter be permanently retained and used for no other purpose.

**REASON**

To ensure the provision of satisfactory parking arrangements appropriate to the development and to minimise the impact of on-street parking that could be to the detriment of the amenities of the surrounding area, as required by Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

**9 RES8 Tree Protection**

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

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.
2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum

height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details. The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

- 2.a There shall be no changes in ground levels;
- 2.b No materials or plant shall be stored;
- 2.c No buildings or temporary buildings shall be erected or stationed.
- 2.d No materials or waste shall be burnt; and.
- 2.e No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

#### REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **10 RES9 Landscaping (including refuse/cycle storage)**

Notwithstanding details shown on drawing number CSa/1976/100D no development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping
  - 1.a Planting plans (at not less than a scale of 1:100),
  - 1.b Written specification of planting and cultivation works to be undertaken,
  - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
2. Details of Hard Landscaping
  - 2.a Refuse Storage
  - 2.b Cycle Storage
  - 2.c Means of enclosure/boundary treatments
  - 2.d Car Parking Layouts (including demonstration that 5% of all parking spaces are served by electrical charging points)
  - 2.e Hard Surfacing Materials
  - 2.f External Lighting
  - 2.g Other structures (such as play equipment and furniture)
3. Living Walls and Roofs
  - 3.a Details of the inclusion of living walls and roofs
  - 3.b Justification as to why no part of the development can include living walls and roofs
4. Details of Landscape Maintenance
  - 4.a Landscape Maintenance Schedule for a minimum period of 5 years.
  - 4.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
5. Schedule for Implementation

6. Other

6.a Existing and proposed functional services above and below ground

6.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.

**11 RES10 Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'

Remedial work should be carried out to BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and to comply with Section 197 of the Town and Country Planning Act 1990.

**12 NONSC Non Standard Condition**

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed on site and thereafter permanently retained and maintained.

REASON

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

**13 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.

**14 RES18 Lifetime Homes/Wheelchair Units**

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

**REASON**

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

**15 OM5 Provision of Bin Stores**

No development shall take place until details of covered and secure facilities to be provided for the screened storage of refuse bins within the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

**REASON**

To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents, in accordance with Policy OE3 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

**16 OM6 Refuse Collection Area (Residential)**

Dustbins and enclosed refuse collection areas, details of which shall be submitted to and approved by the Local Planning Authority, shall be sited a maximum distance of 23 metres (10 metres where palladins are employed) from an adopted highway, and 25 metres from any dwelling unit.

**REASON**

To comply with the Hillingdon Design & Accessibility Statement (HDAS) Supplementary Planning Document: "Residential Layouts" (May 2006) and for the convenience of residents in accordance with Policy OE3 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

**17 OTH2 Archaeology**

No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority.

## REASON

Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the Borough and in PPS 5 and Policy BE3 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

## 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.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
H12	Tandem development of backland in residential areas
BE4	New development within or on the fringes of conservation areas
BE10	Proposals detrimental to the setting of a listed building
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
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE5	Siting of noise-sensitive developments
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
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)
SPD-PO	Planning Obligations Supplementary Planning Document, adopted



	July 2008
LPP 3.3	(2011) Increasing housing supply
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
NPPF6	

### **3            159            Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies.

On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

#### **4**

You are advised that the development hereby approved represents chargeable development under the Mayor's Community Infrastructure Levy. The actual Community Infrastructure Levy will be calculated at the time your development is first permitted and a separate liability notice will be issued by the Local Planning Authority. Should you require further information please refer to the Council's Website [www.hillingdon.gov.uk/index.jsp?articleid=24738](http://www.hillingdon.gov.uk/index.jsp?articleid=24738)

### **5            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.

### **6            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).

### **7            115            Control of Environmental Nuisance from Construction Work**

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

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 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](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

#### **8 132 Trees in a Conservation Area**

As the application site is within a conservation area, not less than 6 weeks notice must be given to the Local Planning Authority of any intention to cut down, top, lop or uproot or otherwise damage or destroy any trees on the application site. Please contact the Trees & Landscape Officer, Planning & Community Services, 3N/02, Civic Centre, Uxbridge, UB8 1UW for further advice.

#### **9 121 Street Naming and Numbering**

All proposed new street names must be notified to and approved by the Council. Building names and numbers, and proposed changes of street names must also be notified to the Council. For further information and advice, contact - The Street Naming and Numbering Officer, Planning & Community Services, 3 North Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250557).

#### **10 123 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.

#### **11 143 Keeping Highways and Pavements free from mud etc**

You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act 1980.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site comprises No.54 Swakeleys Drive and its extensive rear garden. The site is located on the northern side of Swakeleys Drive, which is mainly characterised by large detached properties and semi-detached houses set back from the road frontage with long rear gardens. The area has an open character and appearance. The eastern boundary of the application site abuts the side boundary of No.52 Swakeleys Drive and the rear gardens of Nos.2-12 (evens) Vyners Way, a more modern residential cul-de-sac.

The western boundary of the site abuts a gated, tree-lined drive, which runs northwards to

Swakeleys House, a Grade I Listed Building set in 1.2 hectares of grounds, to the rear of the application site. The main gated entrance to Swakeleys House, which can be seen from some distance on approach from The Grove, is set back off the road with a deep grass verge creating an attractive green setting from which to view the house.

The application site and parallel running driveway to Swakeleys House are both located within the 'developed area' of the Borough as identified in the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012). The grounds of Swakeleys House, immediately to the north of the application site form part of the Green Belt and connect to the green open space of the River Pinn to the west. The application site, surrounding residential properties and Swakeleys House and its grounds also form part of the Ickenham Village Conservation Area.

### **3.2 Proposed Scheme**

Planning permission is sought to erect one five-bedroom detached dwellinghouse with a detached double garage (Plot 1) set back approximately 31.15 metres from the existing house and one five-bedroom detached house with parking (Plot 2) approx. 24.85m beyond that on land forming part of the rear garden, and to the north of, No.54 Swakeleys Drive.

The new dwellings would be accessed via a new 3.2 metre wide shared driveway running past No. 54 Swakeleys Drive alongside the western boundary of the site, which abuts Swakeleys House and a new vehicular crossover (4.875m at back edge of footpath x 10.65m at the roadside kerb in Swakeleys Drive) which would be separate from that retained for No. 54 to the east.

The proposed houses would be aligned in a tandem layout behind the existing house and served by an access road which would run for a distance of approximately 98 metres to a turning head at its northern end in front of Plot 2.

The proposed house on Plot 1 (616 sq. metres) aligned with Nos.2 and 4 Vyners Way, would be 11.5 metres wide, 13.7m deep and 8.9m high with a hipped roof and four rooflights. The detached double garage would be 5.2m wide, 5.8m deep and 3.7m high with a hipped roof. A private rear amenity space/garden of approximately 370 square metres would be provided to the north.

The proposed house on Plot 2 (845 sq. m.) aligned with No.10 Vyners Way, would be 11.9 metres wide, 13.4m deep and 8.2m high with a hipped roof and four rooflights plus two parking spaces accessed off the turning head. A private rear amenity space/garden of approx. 550 sq.m would be provided to the northern boundary of the application site with Swakeleys House.

### **3.3 Relevant Planning History**

53998/APP/2006/3021 Rear Of 54 Swakeleys Drive Ickenham

ERECTION OF 2 FOUR-BEDROOM DETACHED DWELLINGHOUSES WITH DETACHED GARAGES AND 1 FIVE-BEDROOM DETACHED DWELLINGHOUSE WITH ROOFSPACE ACCOMMODATION AND DETACHED GARAGE, IN A LINEAR LAYOUT SERVED BY A NEW ACCESS ROAD BETWEEN NOS.52 AND 54 SWAKELEYS DRIVE, TOGETHER WITH LANDSCAPING.

**Decision:** 08-01-2007 Withdrawn

53998/APP/2007/711 Rear Of 54 Swakeleys Drive Ickenham

ERECTION OF 3 FOUR-BEDROOM DETACHED DWELLING HOUSES WITH INTEGRAL GARAGES, ASSOCIATED LANDSCAPING AND ACCESS DRIVE WITH TURNING HEAD (INVOLVING REFURBISHMENT OF NO.54 SWAKELEYS DRIVE).

**Decision:** 22-10-2007 Refused

53998/APP/2008/1756 Land To The Rear Of 54 Swakeleys Drive Ickenham

ERECTION OF 2 FOUR-BEDROOM DETACHED DWELLINGHOUSES WITH DETACHED GARAGES, ASSOCIATED LANDSCAPING AND ACCESS DRIVE WITH TURNING HEAD (INVOLVING REFURBISHMENT OF NO.54 SWAKELEYS DRIVE).

**Decision:** 05-11-2008 Refused **Appeal:** 07-04-2009 Dismissed

53998/APP/2008/3195 Rear Of 54 Swakeleys Drive Ickenham

Two storey four-bedroom detached dwelling to include detached garage to front, associated parking and alterations to existing driveway.

**Decision:** 30-12-2008 Approved

53998/APP/2009/1186 Rear Of 54 Swakeleys Drive Ickenham

2 four-bedroom detached dwellings, 1 with detached double garage, associated parking and alterations to existing access road.

**Decision:** 08-12-2009 Refused **Appeal:** 29-07-2010 Allowed

53998/APP/2010/854 Rear Of 54 Swakeleys Drive Ickenham

Erection of 1 four-bedroom two storey detached dwelling with associated parking and double garage, with alterations to existing driveway and installation of new vehicular crossover to front.

**Decision:** 06-09-2010 Approved

53998/APP/2012/141 Rear Of 54 Swakeleys Drive Ickenham

Approval of details reserved by condition No.16 (Archaeological Scheme) of the Secretary of State's Appeal Decision ref: APP/R5510/A/09/2119181 dated 29/07/2010 (LBH ref: 53998/APP/2009/1186: 2 four-bedroom detached dwellings, 1 with detached double garage, associated parking and alterations to existing access road.)

**Decision:** 12-03-2012 Approved

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

53998/APP/2009/1186 - An application for the erection of 2, four-bedroom dwellinghouses with one detached double garage, associated parking and alterations to existing access road was refused at Committee on the 8th December 2009, for the following reason:

The proposal, by reason of its proximity to the open grounds of Swakeleys House would result in a conspicuous form of development, which would unacceptably encroach into the

open setting of Swakeleys House, a Grade 1 Listed Building. The proposal would therefore detract from the setting of the Grade 1 Listed Building contrary to Policy BE10 of the Borough's adopted Unitary Development Plan Saved Policies September 2007 and PPG15 (Planning and the Historic Environment).

However, this application was allowed on appeal on 29th July 2010. In reaching his decision, the Inspector took into account the revised PPS3, the Mayor's London Plan Interim Housing Supplementary Planning Guidance and also noted the permission granted for one house on the site in 2008 following a dismissed appeal in respect of two dwellings.

#### **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.BE1 (2012) Built Environment

Part 2 Policies:

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
H12	Tandem development of backland in residential areas
BE4	New development within or on the fringes of conservation areas
BE10	Proposals detrimental to the setting of a listed building
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
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE5	Siting of noise-sensitive developments
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
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)
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008
LPP 3.3	(2011) Increasing housing supply
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
NPPF6	

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **29th August 2012**

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

9 neighbouring properties were consulted (on 26.7.2012) and two site notices have been displayed (from 8.8.2012 and 11.1.2013). In addition, the application has been advertised in the local press as affecting the character and appearance of the Ickenham Village Conservation Area (on 8.8.2012) and the setting of a Listed Building (on 9.1.2013).

Two letters have been received in objection with the following comments:

- five bedroom dwellings will give rise to more people and cars
- where is the sympathy to the conservation area?

Ickenham Residents Association:  
No comments.

Ickenham Conservation Panel:  
No comments.

A Ward Councillor has requested the application be referred to Committee for a determination.

### Internal Consultees

URBAN DESIGN & CONSERVATION OFFICER:

Amended Plans- The design, footprint, position, elevations and layout acceptable. Planting to boundary affecting the setting of the listed building to be agreed with Trees & Landscape Officer.

TREES & LANDSCAPE OFFICER:

Amended Plans- The revised landscaping scheme to incorporate additional tree planting within Plot 2 to the north boundary of the site with Swakeleys House as agreed with the applicant on site (6th March 2013) is considered satisfactory subject to conditions on tree protection and retention, full details of hard and soft landscaping scheme, planting schedule etc.

ACCESS OFFICER:

Amended Plans - The amended plans for Plot 1 (117 P5) and Plot 2 (127 P5) have incorporated



Lifetime Homes requirements whilst a minimum 900mm clear width of staircase is shown to accommodate future need for a stairlift. The amended plans are considered acceptable.

## **7. MAIN PLANNING ISSUES**

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

The appeal decision under ref: 53998/APP/2009/1186 dated 29th July 2010 has established the principle for the proposed development in terms of the siting and impact of two new dwellings on this site.

It is therefore necessary to consider whether, in the absence of any significant changes in policy that would otherwise prevent granting a further permission, the differences in overall design, siting etc. and thus impact of the current proposals is acceptable.

The proposal is located within the 'developed area' as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and there is no objection in principle to additional housing in this location. It is further considered that the scheme complies with Hillingdon Local Plan: Part Two - Saved UDP Policy H12 which suggests that proposals for tandem/backland development may be acceptable where no undue disturbance or loss of privacy is likely to be caused to adjoining occupiers.

With regard to the Green Belt, taking into consideration the proximity of existing built development in relation to the Green Belt boundary to the north of the site it is considered that the proposal would not have a detrimental impact on the visual amenities of the Green Belt. As such, the proposal would comply with Policy OL5 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Additional guidance on backland development and the interpretation of related policies has recently been published and is an important material consideration in assessing the principle of backland developments such as this. Key changes in the policy context include the Letter to Chief Planning Officers: Development on Garden Land dated 19/01/2010, the adoption of The London Plan (July 2011) and associated Housing Supplementary Planning Guidance (November 2012), and the National Planning Policy Framework (March 2012) that replaced PPS3 (Housing).

The National Planning Policy Framework states that in dealing with applications for housing Local Planning Authorities should adopt a presumption in favour of sustainable development. They should therefore demonstrate a five-year supply of deliverable housing sites exists, identify and bring back into residential use empty housing and approve changes of use to residential from commercial buildings. Where development would cause harm to a local area, they should also set out policies for resisting inappropriate development of residential gardens.

Therefore, in general there is no objection to the principle of an intensification of use on existing residential sites, and in this instance, it is considered that the subdivision of this substantial plot together with its associated vehicular access would still provide a layout with comparable plot sizes that would relate well to the local and historical context of the area, which is characterised by detached and semi-detached properties with relatively large rear gardens. Furthermore the proposed layout is considered to demonstrate that a safe, secure and sustainable environments would be provided.

Like the National Planning Policy Framework, the London Plan and its Housing SPG enables Boroughs to resist inappropriate development of residential gardens by introducing a presumption against it where justified in the light of local circumstances but

does not impose a blanket restriction on such development.

The loss of these private gardens or greenfield land, within the local context should be considered. In this case the garden is located adjacent to a residential Cul-de-sac known as Vyners Way, on the northern edge of a suburban area which adjoins the open land around Swakeleys House and the designated Green Belt. With regard to any adverse effect on biodiversity, the loss of the trees may collectively have a greater impact on green corridors and networks than the individual values assigned by the tree survey. In effect, all trees are protected for their amenity value in conservation areas but depending on their position, age and future growth potential can in many instances be replaced by suitable similar or alternative species that will in due course provide the equivalent site and boundary coverage.

However, the existing house would still retain over 360 square metres of private 'rear' garden land, together with adequate areas available for soft landscaping on the frontage, and the proposed dwellings on Plots 1 and 2 would have over 370m<sup>2</sup> and 550 m<sup>2</sup> respectively of private 'rear' garden area available, which far exceeds the minimum recommended amount as specified in the Council's SPD, the Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006).

Furthermore, in the appeal decision, the Planning Inspector considered PPS3 and the London Plan Interim Housing SPG (April 2010) and felt these did not weigh against two backland dwellings at this site.

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

The site has a PTAL of 1a, which is considered to be remotely accessible within a suburban context.

Taking this into account, the London Plan density guideline is 150 to 200 habitable rooms per hectare (hr/ha) or 35 to 55 units per hectare (u/ha) as the appropriate capacity for the site.

The new dwellings would contain 18 habitable rooms on a combined plot area of 0.146 hectare, excluding the access road and existing dwelling (No. 54) thus would be at a net density of approx. 123hr/ha. This is below the density guidelines advocated by the London Plan but given that this density was accepted at the previous appeal and given the character of the surrounding area and sensitivity of the site, close to the listed Swakeleys House, it considered to be an appropriate development of the site. As such the proposal is considered to comply with Policy 4B.3 of the London Plan.

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

Policy BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies requires that all new development within or on the fringes of Conservation Areas will be expected to preserve or enhance those features which contribute to their special architectural and visual qualities.

Under Policy BE10, planning permission is not normally granted for proposals which are considered detrimental to the setting of a listed building.

In the previous dismissed appeal, the Inspector acknowledged that the second house would extend no closer to the curtilage of Swakeleys than neighbouring properties, namely Nos. 12, 14 and 16 Vyners Way and with the retention and strengthening of boundary planting, would be less intrusive visually to the setting of the listed building than those properties.

The Inspector went on to say that nevertheless, the proposed access drive would run parallel to the Swakeleys drive/ride initially along that approved for the development of a single house but would involve a widening of the access near the dwelling on plot 1 to bring it closer to the boundary and an extension of the drive by over 32m to a proposed double garage serving the house on plot 2. The proposed drive would be about 1m from the boundary with the entrance drive/ride to Swakeleys. She stated that although this boundary has the benefit of some hedging within the appeal site and within the grounds of Swakeleys, the scale of the drive would allow refuse and emergency vehicles to access the whole length and turn and would lead to an intrusive development. This would be compounded by the garage, which would project a further 6m from the rear of the house on plot 2, extending development further along the drive/ride. The Inspector considered that the limited separation from the side boundary of plot 2 would not be sufficient to allow planting to mitigate the visual intrusion.

The Inspector went on to say that the drive/ride adjoining the appeal site may not have been the principle entrance into Swakeleys but it appears to have been along the route of a former drive/ride through an avenue of trees. The Inspector did not consider the 20th century sale of the parkland for suburban development or the replacement of trees on the avenue makes the access drive/ride any less important to the setting of the Listed Building. She noted that there is other development that impinges harmfully on the open setting of Swakeleys but this is not justification for further development that would harm the open setting to Swakeleys as viewed/entered from Swakeleys Drive.

The Inspector concluded that the proposal for two dwellings would fail to preserve the setting of Swakeleys and that this harm could not be overcome with conditions as the proposal would leave inadequate space within the site for sufficient soft landscaping to mitigate the harm. However, Swakeleys House is surrounded by suburban development which has to some extent already compromised its open setting. That said, Swakeleys remains very recognisable as a country house set in open land at the end of a tree lined drive.

The previous application for two houses dismissed at appeal was considered to have resulted in a form of development which would have unacceptably encroached into the open setting which would be harmful to the setting of this Grade I Listed Building.

However, no material such material harm to either the setting of the listed building or the character and distinctiveness of the conservation area was considered likely in the subsequent scheme allowed on appeal in 2010 due to the accepted principle for new dwellings on existing residential sites, the design of the dwellings and well established landscape cover on the margins of the site with provision for supplementing and managing the perimeter.

In the current application, the proposed houses would only be visible at an oblique angle from Swakeleys Drive and the existing hedge and trees which run to the west of the application site would substantially screen the proposed development when viewed from the street scene, especially when supplemented by additional planting to that existing on the boundary of the site with the drive to Swakeleys House. The driveway would run parallel to that serving the listed Swakeleys House and as such there is a gap of 1.5 metres to this boundary opposite No. 54 widening to over 5.5 metres opposite the new dwelling proposed for Plot 2.

The amended design of the proposed dwellings reflects the character of the surrounding

area. Furthermore, the Inspector on the previous appeal considered that although tandem development was not characteristic of the area, in this instance it was not harmful and could not be used as a reason to withhold permission.

As such, it is considered that the proposed development would not result in an unacceptable encroachment into this open setting such that it would be harmful to the setting of this Grade I Listed Building. The proposal would therefore comply with Policy BE10 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

As regards the archaeology of the area, a condition has been attached requiring that the site is fully surveyed prior to the commencement of work. The proposal would therefore comply with Policies BE3, BE4 and BE10 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

#### **7.04 Airport safeguarding**

The site is not within an airport safeguarding area.

#### **7.05 Impact on the green belt**

The proposed development would result in the existing property and the additional dwellings running parallel to the main entrance to Swakeleys House which currently provides an open vista towards Green Belt land situated to the north of the application site. The open setting of Swakeleys House, which is itself situated within the Green Belt, is surrounded by suburban development. As a result of this, the previous application for two houses was considered to have resulted in a form of development which would have unacceptably encroached into the open setting which would be harmful to the visual amenities of the Green Belt.

In the current proposal, the house set furthest back in the site on Plot 2 would be positioned some 19.7 metres from the northern boundary of the application site which abuts the open Green Belt land surrounding the Grade I Listed Building.

In considering the previous dismissed appeal for two dwellings, the Inspector acknowledged that the grounds of Swakeleys are within the Green Belt and having regard to national guidance, which advises that the visual amenity of Green Belts should not be injured by proposals for development within or conspicuous from them, concluded that the design and separation of the new houses was sufficient to ensure that they would not be so conspicuous as to cause harm. In the subsequent allowed appeal this impact was not considered to be a main issue.

As such, it is considered that the proposed development would not now result in an unacceptable encroachment into this open setting or thus be demonstrably harmful to the visual amenities of the Green Belt. For similar reasons, the proposal would therefore comply with Policy OL5 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

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

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene and Policy BE19 states that the LPA will seek to ensure that new development within residential areas complements or improves the amenity and character of the area.

The Council's adopted Supplementary Planning Document (SPD) Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006) states in Section 3.4 that this type of development must seek to enhance the character of the area. Section 4.10 of the SPD explains careful consideration should be given to the height of new buildings and surrounding building lines.

The existing properties in the area are set back from the road frontage on large plots of land to give an open character and appearance. With regard to the previous application for two units, the proposed tandem layout with an access road running from the front to the rear of the site was considered to be out of keeping with the overall pattern and appearance of development in the surrounding area. Notwithstanding, in allowing the subsequent appeal for two dwellings in 2010 the Inspector did not consider that tandem development as such was harmful.

In this current proposal, the proposed access road would still run from the front of the site over three-quarters of its length. However, the provision of two houses is not considered to give rise to a pattern of development which would detract from, the visual amenities of the street scene and the surrounding area. The Council's Conservation Officer considers that the new buildings would reflect the general character of the area and the design of the proposed houses is now considered to be acceptable.

The proposal would therefore comply with Policies BE4, BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

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

The Council's SPD, the Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006) advises that a minimum distance of 21 metres is required between adjoining habitable room windows or private garden area in order to ensure that no loss of privacy will occur. The proposed house on Plot 1 would be situated 31.15 metres from No.54 and 32.53m from No.52 whilst some 41.1 metres from the nearest properties in Vyners Way. The house on Plot 2 would be closer to the existing properties in Vyners Way but still separated by 33.6 metres. As such, the proposal would provide adequate privacy to the existing occupiers of these properties.

The Council's SPD HDAS: Residential Layouts also advises that for two storey buildings an adequate distance of separation should be maintained to avoid overdominance. A minimum distance of 15 metres is thus required. The distance of the proposed house on Plot 1 from No.54 is considered to be sufficient to ensure that the siting and overall size and bulk would not be overdominant in relation to this property. Similarly, the east facing flank walls of the proposed houses would be situated a minimum distance of [42m] from the rear of properties on Vyners Way. Given these separation distances, it is considered that the proposal would not adversely affect the residential amenities of surrounding properties, and would comply with Policies BE19, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and meets the requirements of design principles 4.9, 4.12 and 4.13 of the Council's SPD: 'Residential Layouts'.

Policy H12 of the Hillingdon Local Plan: Part Two states that proposals for backland development in residential areas will only be permitted provided no undue noise and disturbance is likely to be caused to adjoining occupiers.

The existing dwelling, No. 54 Swakeleys Drive, with permission to extend to the rear and side (part two-storey and part single storey) has no side facing habitable room windows at



ground or first floor level which would directly face towards the proposed access.

The current application would result in the access drive serving two new properties and the level of traffic and consequently any disturbance resulting from it is not considered sufficient to

justify the refusal of this application. The proposal would therefore comply with Policies H12 and OE1 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

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

Section 4.7 of the SPD: Residential Layouts, states careful consideration should be given in the design of the internal layout and that satisfactory indoor living space and amenities should be provided. The proposed internal floor space for the new dwellings would be 230m<sup>2</sup> (Plot 1) and 236m<sup>2</sup> (Plot 2) respectively. The SPD states the minimum amount of floor space required for a 5-bedroom two storey house would be 101 square metres and therefore the proposal would comply with this advice.

With regard to the size of the garden, the SDP: Residential Layouts: Section 4.15 states that five bedroom properties should have a garden space of at least 100m<sup>2</sup>. The layout plans show an area of over 370m<sup>2</sup> provided for the new dwelling on Plot 1 and 550m<sup>2</sup> on Plot 2 with over 360m<sup>2</sup> left for the existing property which is currently being extended. As such the proposal would comply with Policy BE23 of the Hillingdon Local Plan - Saved UDP Policies (November 2012) and the SPD: Residential Layouts.

The SPD also advises that in order to prevent adjoining properties from appearing unduly dominant, two storey buildings should be separated by at least 15m from facing habitable room windows and these windows should not overlook or be overlooked by other habitable room windows within a distance of 21m to afford appropriate privacy. This separation distance should also apply to the private amenity space, taken to be the 3m deep area of rear garden adjoining the house.

The nearest part of the house on Plot 1 would be some 31.15 metres from the rear elevation of No.54 and 41.1m from those in Vyners Way whilst that on Plot 2 would be 33.6m to the nearest adjoining property in Vyners Way. A similar relationship would be provided between the new dwellings, the house on Plot 2 being separated by 18.2m from that on Plot 1 thus ensuring that none of these new or existing houses would be significantly overlooked by another. All habitable rooms in the proposed houses would have adequate outlook, privacy and natural lighting and the amenity space is adequate to afford a suitable standard of residential amenity for future occupiers.

The proposal therefore accords with Policies BE20, BE21, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

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

The proposal would not give rise to additional traffic generation to justify refusal. The scheme provides for two off-street car parking spaces for the existing and the proposed houses, in line with the Council's Parking Standards.

The main width of the access drive would be 3.2 metres and this is considered to be acceptable. The mouth to the access would maintain a kerb radius of 4.5m and the 4.875m wide section of the drive at the front of the site would allow vehicles to pass without interfering with vehicle movements on the highway.



The indicative provision of a bin storage area close to the site's entrance would allow refuse/recycling to be collected without any need for refuse vehicles to enter the site. On this basis, the Council's Highways Engineer considered that the previous proposal for two dwellings allowed at appeal in 2010 would not be prejudicial to highway and pedestrian safety. For similar reasons therefore the current proposal would comply with Policies AM7(ii) and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

The proposed boundary treatment and landscaping, particularly along the access way, are sufficient to prevent the development from having an adverse impact on the security and safety of adjacent residential properties.

#### **7.12 Disabled access**

The proposed floor plans show the provision of WC facilities at ground floor level and the dwelling would exceed the minimum floor space standards. It is therefore considered if permission were to be granted a condition requiring the dwelling to be constructed to Lifetime Homes Standards is attached. As such, the proposal is considered to comply with Policy 3A.4 and 3A.5 of the London Plan and the Council's Supplementary Planning Document: Accessible Hillingdon (January 2010).

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

The proposal does not meet the threshold to require the provision of this type of housing.

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

The Council's Tree/Landscape Officer has raised an initial objection to the proposal and is considering amended site layout plans with regard to the retention of existing trees and landscaping on the site especially the established hedge to the western boundary with the driveway to listed Swakeleys House and the new planting proposals.

Provided that the final landscape scheme is satisfactory with regard to protecting the setting of the listed building, preserving the appearance of the conservation area from public views and safeguarding the future occupants of the dwellings the development should not have a long term detrimental impact on its surroundings. This will depend on achieving the right balance between supplementing existing planting particularly along both the side and rear boundaries and replacing trees or other landscape features to be removed within the site.

It is therefore recommended that suitable landscaping and planting conditions be imposed and on which basis the proposal is considered in accordance with the aims of Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Section 4.40-4.41 of the SPD: Residential layouts deals with waste management and specifies bin stores should be provided for and should not be further than 9m from the edge of the highway. The proposed layout plan shows the siting of a bin storage area close to the site frontage and should permission be granted it is recommended a condition is applied to require the submission of details together with its implementation to be agreed before the development is commenced.

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

Should this application be approved, conditions are recommended which would require that the hardsurfacing be constructed using a porous surface. In addition a condition is recommended that the development should meet level 3 of the code for sustainable homes.

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

There are no specific flooding or drainage issues associated with this application. It is thus recommended that a condition has been attached, requiring sustainable Urban Drainage (SUDS) measures.

**7.18 Noise or Air Quality Issues**

Not applicable to this application.

**7.19 Comments on Public Consultations**

These issues have been dealt with in the main report.

**7.20 Planning Obligations**

Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP is concerned with securing planning obligations to supplement the provision of recreation open space, facilities to support arts, cultural and entertainment activities, and other community, social and education facilities through planning obligations in conjunction with other development proposals. The Saved UDP policies are supported by more specific supplementary planning guidance.

The scale of the proposal which involves a net additional six or more habitable rooms on the site would require that a contribution is sought towards the increased demand placed on existing nursery, primary, secondary and post 16 school places by the proposed development. This contribution has been calculated to be £27,455.

Accordingly, the applicants have indicated that they would be prepared to meet the costs of such provision arising from and proportionate to the scale of the development and this matter would be dealt with by means of a Section 106 legal agreement. As such, the proposal would comply with Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The proposal would also be liable for payment of the Mayoral CIL, however this would be dealt with under the relevant legislation following consideration of the planning application.

**7.21 Expediency of enforcement action**

Not applicable to this application.

**7.22 Other Issues**

None.

**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 on this application.

**10. CONCLUSION**

It is considered that the proposed dwellings would not be conspicuous from the Green Belt and would not detract from the street scene and the surrounding area. As such, the proposal would preserve or enhance the visual amenities of the Green Belt and the character and appearance of Ickenham Village Conservation Area.

Whilst the development would be located adjacent to the grand drive to Swakeleys House and thus in closer proximity than the surrounding development, the provision of replacement and additional screening to the north and west boundaries of the site would ensure that the proposal is not considered to detract from the setting of this Grade I Listed Building.

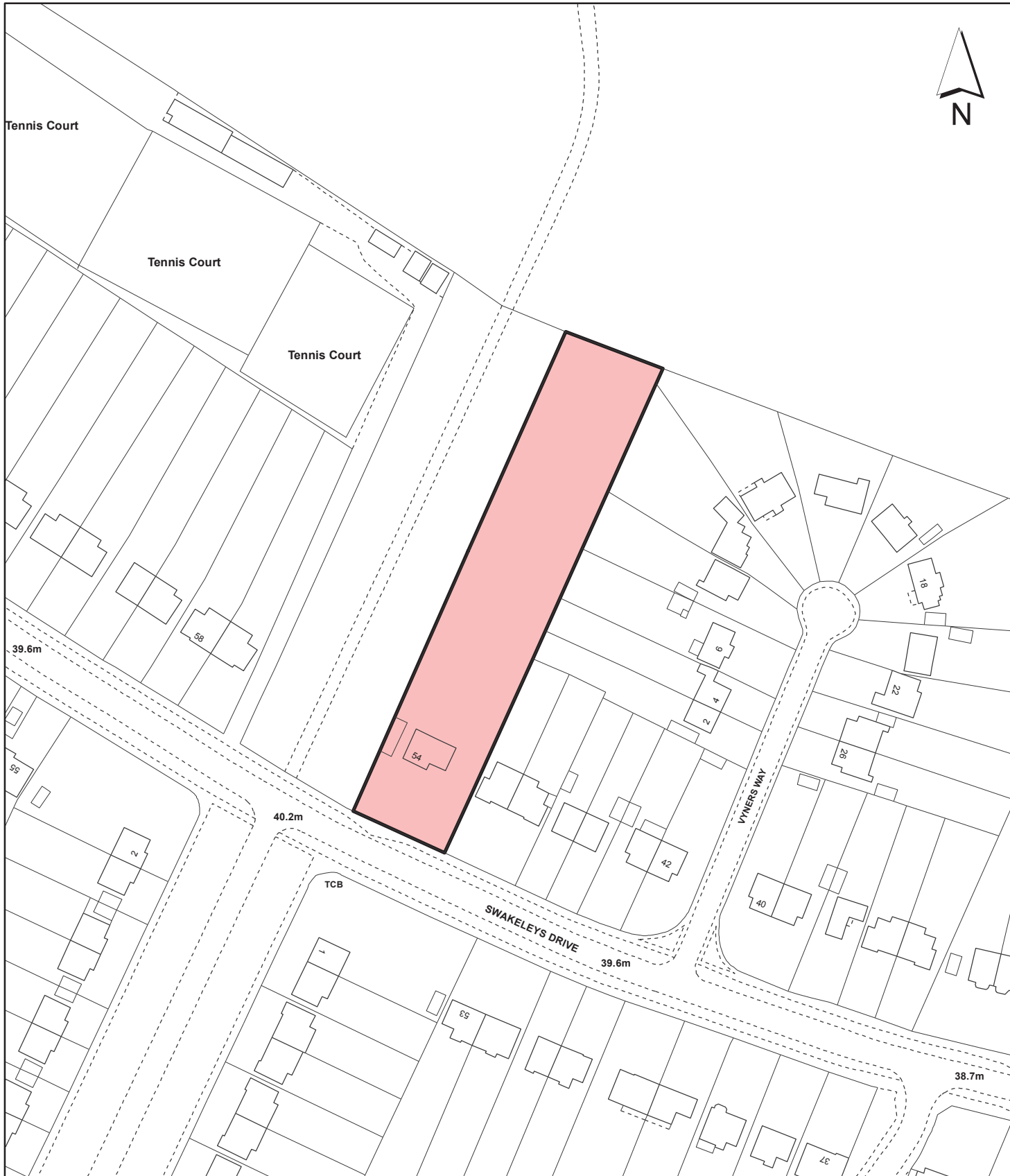
Following the 2010 appeal decision allowing two backland dwellings on the site in a scheme which can still be implemented, which also accepted this form of tandem development in principle, it is not considered that the current alternative proposal raises any sound planning reasons to refuse this application.

**11. Reference Documents**

Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012)  
Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006)  
Hillingdon Design and Accessibility Statement: Accessible Hillingdon (July 2006)  
The London Plan (July 2011)  
National Planning Policy Framework  
Consultee and Neighbour responses

**Contact Officer:** Daniel Murkin

**Telephone No:** 01895 250230



**Notes**

 Site boundary

For identification purposes only.  
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Site Address

**Rear of 54 Swakeleys Drive  
Ickenham**

Planning Application Ref:  
**53998/APP/2012/1741**

Planning Committee  
**North**

Scale  
**1:1,250**

Date  
**February  
2013**

**LONDON BOROUGH  
OF HILLINGDON  
Residents Services**

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



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