

Report of the Head of Planning, Sport and Green Spaces

Address LAND TO REAR OF 51 AND 53 PEMBROKE ROAD RUISLIP

Development: 2 x 4-bedroom, detached bungalows with habitable roofspace, associated parking and amenity space.

LBH Ref Nos: 66982/APP/2013/109

Drawing Nos: TP00
Energy Statement
Design and Access Statement
TP12a
TP011a
TP01b
TP02b
TP04/b
TP05/b
TP06/b
TP07/b
TP08/b
TP09/b
TP010/b
TP03/b

Date Plans Received: 17/01/2013 **Date(s) of Amendment(s):** 17/01/2013

Date Application Valid: 17/01/2013

1. SUMMARY

The application proposes two, four-bedroom, detached bungalows with habitable roofspace, associated parking and amenity space in the rear gardens of Nos.51 and 53 Pembroke Road. An access is proposed between Nos.51 and 53 Pembroke Road with electric gates along the frontage. The scheme is considered unacceptable in terms of the principle and the layout and design of the proposal, by reason of its large footprint. The proposed development would cause undue harm to the character and appearance of the local area. As such, the proposal would be contrary to the requirements of Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE4, BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's Supplementary Planning Document: HDAS Residential Layouts. The application is therefore recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposed development would result in the inappropriate development of gardens. Additionally the size and scale of the houses in this location would appear over-sized, imposing and overly dominant when viewed from the public highway and other near by properties. The development by virtue of the loss of gardens, its size and design would erode the character, biodiversity, appearance and local distinctiveness of the site and surrounding neighbourhood. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and

BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5, 7.4, 7.6 and 7.19D of the London Plan (July 2011) and the National Planning Policy Framework.

2 NON2 Non Standard reason for refusal

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

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 Local Plan: Part Two - Saved UDP Policies (November 2012) 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.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours. Retention of topographical and landscape features and provision of

BE38	new planting and landscaping in development proposals.
H5	Dwellings suitable for large families
OE1	Protection of the character and amenities of surrounding properties and the local area
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
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice

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), 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises land located to the north of Nos.51 and 53 Pembroke Road and is formed from the rear parts of the gardens of these properties. The site is some 0.15 hectare in area. To the north, the site is bound by the rear gardens of Nos.5, 6 and 7 Green Walk. These properties in Green Walk are within the Ruislip Manor Way Conservation Area. The site is bounded to the east by the rear garden of No.55 Pembroke Road and to the west, by the side boundaries of No.32 Brickwall Lane and No.49 Pembroke Road. The land slightly undulates and there are mature trees and hedges to the north, east and west boundaries.

The surrounding area is residential in appearance and character. The site is within the 'Developed Area' as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The proposed dwellings would be to the same design although one would be the mirror image of the other. They would be 11.80m wide, a maximum of 14.80m deep including the porch and single storey rear element. The proposed dwellings would measure 3.2m in height to eaves level and raised to 4.4m for the front and rear gable and with a small crown roof at a maximum height of 7.80m. They are designed with a full pitched roof with forward and rear facing dormer windows and glazing within the central gable. Front and rear rooflights would be incorporated into the roofs.

The proposed houses would be accessed from a new 4.5m wide driveway set between

Nos.51 and 53 Pembroke Road. The driveway would extend by some 40m from Pembroke Road and terminate in a turning head in front of the two proposed houses. Two parking spaces for each house would be provided off the turning head.

The proposed plots would be separated by a 2m high close boarded fence. The same type of fence would divide the rear gardens of Nos.51 and of 53 Pembroke Road from the turning head with a space of some 10m separating the front elevations of the proposed houses from the rear fences to the new plots of Nos.51 and 53 Pembroke Road. Bin stores are proposed to the front.

3.3 Relevant Planning History

66982/APP/2010/1004 Land To Rear Of 51 And 53 Pembroke Road Ruislip

Erection of 2 five-bedroom, two storey detached dwellings with habitable roofspace, associated parking and amenity space.

Decision: 27-09-2010 Refused **Appeal:** 17-06-2011 Dismissed

66982/APP/2011/2221 Land To Rear Of 51 And 53 Pembroke Road Ruislip

Erection of 2 five-bedroom, two storey detached dwellings with habitable roofspace, associated parking and amenity space

Decision: 06-12-2011 Refused **Appeal:** 15-06-2012 Dismissed

68788/APP/2012/2348 51 Pembroke Road Ruislip

Two storey side extension and single storey side/rear extension to include 3 rear rooflights and 3 front rooflights, involving demolition of attached garage to side

Decision: 22-11-2012 Approved

Comment on Relevant Planning History

Planning permission was refused in September 2010 for the erection of 2 five-bedroom, two storey detached dwellings for the following reasons:

1. The proposed development, by reason of its siting, design and layout, would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site to the level proposed through the loss/part loss of private gardens would have a detrimental impact on the character, appearance and local distinctiveness of the area. The proposal is therefore detrimental to the visual amenity of the surrounding area contrary to Policies BE13, BE19 and H12 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3A.3, 4B.1 and 4B.8 of the London Plan (Consolidated with Alterations since 2004), Planning Policy Statement 3: Housing (June 2010), and guidance within The London Plan: Interim Housing Supplementary Planning Guidance (April 2010).

2. The proposed development and in particular the proposed new access road would, by reason of its size, layout and design, be totally out of keeping with the character and appearance of neighbouring properties and the historic context of the area, detrimental to the visual amenities of the streetscene and the surrounding area. The proposal would therefore be contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policies 3A.3, 4B.1 and 4B.8 of the London

Plan (Consolidated with Alterations since 2004).

3. The development is likely to give rise to a significant number of children of school age that would require additional educational provisions, as there is a shortfall of places in schools serving the area. Given that a legal agreement or unilateral undertaking has not been offered to address this issue, the proposal is considered to be contrary to Policy R17 of the Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and the Council's Planning Obligations, Supplementary Planning Document (July 2008).

A subsequent appeal was dismissed and the Inspector's decision letter (of 17th June 2011) concluded the residential development is not unacceptable in principle, however would cause significant harm to the area's character and appearance due to its poor standard of design and layout.

Planning permission was refused in December 2011 for the erection of 2 five-bedroom, two storey detached dwellings for the following reasons:

1. The proposed development, by reason of its siting, design and layout, would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site to the level proposed through the loss/part loss of private gardens would have a detrimental impact on the character, appearance and local distinctiveness of the area. The proposal is therefore detrimental to the visual amenity of the surrounding area contrary to Policies BE13, BE19 and H12 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3.5, 7.4 and 7.6 of the London Plan (July 2011) and Planning Policy Statement 3: Housing (June 2010).

2. The proposed development, and in particular the proposed new access road, would, by reason of its size, layout and design, be out of keeping with the character and appearance of neighbouring properties and the historic context of the area, detrimental to the visual amenities of the streetscene and the surrounding area. The proposal would therefore be contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policies 3.5, 7.4 and 7.6 of the London Plan (July 2011).

3. The development is estimated to give rise to a significant number of children of nursery/primary/secondary/post-16 school age and therefore additional provision would need to be made in the locality due to the shortfall of places in nurseries/schools/educational facilities serving the area. Given a legal agreement at this stage has not been offered in a satisfactory form or secured, the proposal is considered contrary to Policy R17 of the Unitary Development Plan Saved Policies September 2007.

A subsequent appeal was dismissed and the Inspector's decision letter (of 15th June 2012) concluded the proposal would unduly harm the character and appearance of the local area. In terms of the principle of development, the Inspector has drawn attention to the differing opinions of Inspectors on other 'backland' development in Pembroke Road. This matter has remained unresolved and ascribed to the degree of "subjectivity that is involved in considering the appropriateness of 'backland' developments".

It is important to note that the Inspector raised no objection in relation to the access road (i.e. the Inspector did not agree with refusal reason 2).

68788/APP/2012/2348 - Planning permission was approved at No.51 Pembroke Road for two storey side extension and single storey side/rear extension to include 3 rear rooflights

and 3 front rooflights, involving demolition of attached garage to side. This proposed development had not commenced at the time of the Officer's site visit.

4. Planning Policies and Standards

Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) is relevant to this application and in particular the following parts of that Policy:

'BE1 - The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. All new developments should:

1. Achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place;
2. Be designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties;
3. Be designed to include Lifetime Homes principles so that they can be readily adapted to meet the needs of those with disabilities and the elderly, 10% of these should be wheelchair accessible or easily adaptable to wheelchair accessibility encouraging places of work and leisure, streets, neighbourhoods, parks and open spaces to be designed to meet the needs of the community at all stages of people's lives;
7. Improve the quality of the public realm and provide for public and private spaces that are attractive, safe, functional, diverse, sustainable, accessible to all, respect the local character and landscape, integrate with the development, enhance and protect biodiversity through the inclusion of living walls, roofs and areas for wildlife (7.20), encourage physical activity and where appropriate introduce public art;
8. Create safe and secure environments that reduce crime and fear of crime, anti-social behaviour and risks from fire and arson having regard to Secure by Design standards and address resilience to terrorism in major development proposals.
9. Not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase the risk of flooding through the loss of permeable areas.
10. Maximise the opportunities for all new homes to contribute to tackling and adapting to climate change and reducing emissions of local air quality pollutants. The Council will require all new development to achieve reductions in carbon dioxide emission in line with the London Plan targets through energy efficient design and effective use of low and zero carbon technologies. Where the required reduction from on-site renewable energy is not feasible within major developments, contributions off-site will be sought. The Council will seek to merge a suite of sustainable design goals, such as the use of SUDS, water efficiency, lifetime homes, and energy efficiency into a requirement measured against the Code for Sustainable Homes and BREEAM. These will be set out within the Hillingdon Local Plan: Part 2 - Development Management Policies LDD. All developments should be designed to make the most efficient use of natural resources whilst safeguarding historic assets, their settings and local amenity and include sustainable design and construction techniques to increase the re-use and recycling of construction, demolition and excavation waste and reduce the amount disposed to landfill. All developments should be designed to make the most efficient use of natural resources whilst safeguarding historic assets, their settings and local amenity and include sustainable design and construction techniques to increase the

re-use and recycling of construction, demolition and excavation waste and reduce the amount disposed to landfill.

Support will be given for proposals that are consistent with local strategies, guidelines, supplementary planning documents and development management policies Hillingdon Local Plan: Part 2 -Development Management Policies.'

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.
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -
 - (i) Dial-a-ride and mobility bus services
 - (ii) Shopmobility schemes
 - (iii) Convenient parking spaces
 - (iv) Design of road, footway, parking and pedestrian and street furniture schemes
- AM14 New development and car parking standards.
- BE4 New development within or on the fringes of conservation areas
- BE13 New development must harmonise with the existing street scene.
- BE15 Alterations and extensions to existing buildings
- BE19 New development must improve or complement the character of the area.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE22 Residential extensions/buildings of two or more storeys.

- BE23 Requires the provision of adequate amenity space.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- H5 Dwellings suitable for large families
- OE1 Protection of the character and amenities of surrounding properties and the local area
- 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
- LDF-AH Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

- LPP 3.4 (2011) Optimising housing potential
LPP 3.5 (2011) Quality and design of housing developments
LPP 3.8 (2011) Housing Choice

5. Advertisement and Site Notice

- 5.1** Advertisement Expiry Date:- **20th February 2013**
5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

63 neighbours were consulted on 6th February 2013. A site notice was also displayed. Four letters of objection and nine letters of support were received. A petition in support of the application with 191 signatories has been received and a petition opposing the application with 106 signatories has been received.

The comments in support raise the following issues:

1. The development is considered very suitable for the area, and practical use of the empty space;
2. The design of the proposed bungalows has evolved following careful consideration of the local architecture and surrounding housing, together with any area-specific characteristics;
3. The bungalows positioning on the site would be well balanced, within existing greenery and, with extensive additional landscaping, would enhance the locality;
4. The bungalows would not result in an adverse impact on the amenity of the neighbouring occupiers. The Council's standards regarding privacy distances, over-domination and sunlight are all exceeded;
5. Two well-designed detached bungalows set within extensive new planting would complement the other properties in the local area;
6. Satisfy the need for sustainable housing.

The objections received raise the following issues:

1. The "infilling" of back gardens, resulting in an overcrowded environment;
2. Building on an oasis of green land with its associated wildlife, and probate destruction of mature trees. It will be yet another small piece of the planned garden suburb lost for ever;
3. The close proximity of two inappropriately large buildings to our houses and gardens, resulting in loss of peace and privacy;
4. Unwise and dangerous access to and egress from one of the busiest main roads in the area, the entrance/exit also being on the brow of a rise;
5. Yet more over-development in this area, following the building of 82 flats on the south side of Pembroke Road, flats on the site of the Windmill pub and flats and shops on the site of the Crown Building in Windmill Hill;
6. Out of character from the other properties surrounding them;
7. The side of the garden of No.55 Pembroke Road would become exposed by the proposed development and provide additional openings for potential intruders to our property. The proposed electric gates are no deterrent as they would remain open most of the time;
8. The gardens would be lost and no end of cars would be coming and going in and out of them, resulting in the loss of peace, tranquillity and quality of life;
9. The proposed development would destroy the current landscaping for ever;
10. Pembroke Road itself, over the past years has suffered from intensive development to the point

where further infill will have a negative impact on the environment and traffic flow;

11. This application, on the Conservation Area boundaries, is completely contrary to all conservation area principles and the massing and bulk of the two proposed properties will have deleterious effect on the both Green Walk and Windmill Way, which the Society has attempted to preserve for the last 100 years;

12. The rear gardens in this area are an amenity important to both the daily living of residents and wild life, which this application will destroy if permitted;

13. The access between two existing houses is over-hung by an existing tree, and approach and exit sight lines into Pembroke Road seem to be totally inadequate;

14. Two large houses, designed as chalets and, in our opinion, there will be overlooking on to our properties since they are sited close to our boundaries. The massing and bulk are unacceptable to surrounding properties.

Ruislip Residents Association:

1. The proposal conflicts with Policy 3.5 of the London Plan and Policy BE1 (item 9) of the Hillingdon Local Plan;

2. The proposal would create a precedent for similar development of nearby rear gardens e.g. Nos 55-57;

3. The mass and height of the new roofs would be over dominant on adjacent properties and from the public highway;

4. There would be insufficient off street car parking for houses with 8 plus bedspaces.

(Officer comment: The above comments are addressed in the main body of the report).

THAMES WATER:

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. With regard to water supply, this comes within the area covered by the Affinity Water Company.

Internal Consultees

CONSERVATION AND URBAN DESIGN:

The detached houses, nos. 51 and 53 are attractive 1930's villas, two of a group of six similarly designed houses, with front and side hedges and long rear gardens, with views through the generous gaps between the houses. A previous application on this site sought permission for two detached houses to the rear, reached by an access road between Nos. 51 and 53. This was dismissed on appeal in June 2011 on grounds that the development would cause "unacceptable harm to the area's character and appearance". This view was reached from the conclusion that the layout was rigid, lacking interesting spaces or relationships between the two houses, cramped and lacking in visual interest. A further application for a revised but similar scheme was also dismissed at appeal in June 2012 as it was considered to "unduly harm the character and appearance of the local area".

The issue of the principle of the development of this site at face value appears to remain potentially unresolved. The differences in opinion of the three previous Planning Inspectors re the value of the existing gardens was noted by the last Inspector, this he ascribed to the degree of subjectivity that

is involved in considering the appropriateness of 'backland' developments. This matter needs further discussion internally.

However, since the appeal decision new policy has been introduced relating to garden grabbing/backland development. The view of this team is that the gardens at this site do have considerable local value and contribute positively to the character and appearance of this part of the street. Should this proposal be agreed, it will erode these values and almost inevitably encourage further applications for similar development to be forthcoming (i.e. set a precedent).

The layout of the proposed new buildings is slightly different to the previously refused scheme and whilst the two houses are positioned further apart, they nevertheless less have large footprints, larger than those of the existing frontage buildings. They are also of similar width, or indeed in the case of no 51 Pembroke Road, are wider than the current buildings and whilst their first floor is within a pitched roof form, the houses would still be very substantial buildings.

In terms of the setting of the new houses, whilst the front garden area would be larger than that of the previous schemes; it would still be dominated by a rather rigid looking turning head and a large area of hard surfacing. Whilst an improvement on the previous schemes, given the size of the houses, this layout are would still appear cramped. In order to create the extra space within this area and to allow for more planting along the access road, the rear garden spaces for nos. 51 and 53 have been reduced. Should no. 51 be extended as agreed, this would result in a large house with an uncharacteristically small garden. In either case, the remaining gardens for both properties would be significantly smaller than those of the adjacent properties.

In line with the advice contained in the NPPF, the Council is keen to encourage good new design whilst retaining local distinctiveness. The design of the new buildings, however, is considered to be rather confused, with large modern dormers, oversized glazed gables, a traditional arched entrance and a roof finished with an open eaves rustic detail. As a result, the design does not relate to the 1920/30s frontage buildings or the modest Ruislip Cottage Society Ltd housing to the rear of the site and the buildings would also fail to form a convincing architectural statement in their own right.

CONCLUSION: The current scheme does not address the concerns raised by the previous Planning Inspector and the proposals remain an unacceptable development that would cause undue harm to the character and appearance of the local area.

PLANING OFFICER COMMENT: Revised plans were submitted amending the design of the proposed dwellings and reducing the size of the turning head/hardstanding at the front of the properties. The Conservation and Urban Design officer was reconsulted on the revised plans and made the following comments summarised below:

UPDATEED COMMENT FROM CONSERVATION AND URBAN DESIGN OFFICER:

No objection in principle to the design revisions, although the front elevation could do without the vertical cladding, which could look a bit fussy and perhaps a stronger floating canopy over the door, the proposed one does not look "strong enough" visually. The reduced parking area layout is an improvement. The other comments remain unchanged.

TREES AND LANDSCAPE:

No trees or other landscape features will be affected by the development and the proposal includes space and opportunity for landscape enhancement through supplementary planting.

In this scheme additional planting is proposed within the front gardens of nos 51 and 53, either side of the proposed driveway. This will help to ameliorate the appearance of the existing hard surfacing

associated with car parking and provide filtered screening between the new bungalows and the existing houses on Pembroke Road.

There is a highway tree in the footway close to the site access which will require protection (from construction traffic) during any building work.

Hard and soft landscaping associated with the shared driveway will require maintenance. The responsibility for management and maintenance should be clarified either through land ownership or a management agreement.

No objection, subject to the above considerations and conditions RES 9 (parts 1,2,4,5 and 6).

HIGHWAY OFFICER:

No Objection subject to the following conditions and informative being applied to any consent.

Conditions:

1. The development shall not be occupied until the hardstanding area including access road and parking spaces have been laid out, surfaced and drained in accordance with details first submitted to, and approved in writing by the Local Planning Authority and shall be permanently maintained thereafter to the Authority's satisfaction.
2. The developer shall certify to the Council in writing that the lighting of the access road, turning head and car park area is designed in accordance with BS 5984 EN13201 and implemented prior to first occupation of the development and such lighting is to be maintained thereafter.

Informatives:

1. The applicant is advised to contact the Council's Highways Team in respect of the construction of the vehicle crossover.
2. It is contrary to section 163 of the Highways Act 1980 for surface water from private land to drain onto the highway or discharge into the highway drainage system

ACCESS OFFICER:

No objection.

WASTE OFFICER:

No objection.

EDUCATION:

Education contribution is required and would need to be secured by legal agreement.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

LONDON PLAN

Policy 3.5 of the London Plan (July 2011) states in part the following:

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

WEIGHT TO BE GIVEN TO PREVIOUS PLANNING APPEALS

A material planning consideration in this instance is the Appeal Inspector decision letters (issued ahead of the adoption of the Council's Local Plan Part 1) for the appeals to the previous planning applications. Although the appeals were dismissed, the Inspectors commented with regard to the principle of residential development. In the earlier decision the Inspector noted:

"7. I conclude that in this case the loss of garden land, as proposed in the appeal proposals, would not cause unacceptable harm, and that this factor does not justify the refusal of permission here. In principle therefore, there is no reason why some form of residential development on the site should not be acceptable."

"15. Although residential development on the appeal site is not unacceptable in principle, the present scheme would cause significant harm to the area's character and appearance due to its poor standard of design and layout."

Appeal decisions and comments made in Inspector's decision letters are material considerations, however the weight to be accorded to the decision must be commensurate with the fact that there has been the introduction of a new planning policy (BE1 in the Council's Local Plan Part 1).

Additionally, in this particular case there are a number of other factors which also results in officers considering that less weight should be attached to the appeal decision as it relates to the principle of backland development at this site, namely:

i) There is considerable variation in the views of appeal inspectors relating to backland development/development in gardens. In many cases Inspectors place a much greater weight on the protection of rear garden land;

ii) The earlier appeal decision pre-dates the adoption of the latest London Plan in July 2011, which makes it clear that Boroughs may introduce a presumption against development on back gardens or other private residential gardens through policy documents.

iii) In the latest appeal decision (15 June 2012), the Inspector has also drawn attention to the differing opinions of Inspectors on other 'backland' development in Pembroke Road.

Given these factors, Officers consider that the weight given to the previous appeal decisions in relation to the acceptability of backland development in this location should not be greater than the weight accorded to the policies in the London Plan (July 2011) and the Council's Local Plan Part 1 (November 2012).

LOCAL POLICY

Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) makes it clear that new developments should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase the risk of flooding through the loss of permeable areas.

The policy also requires new development to enhance the local distinctiveness of the area, be appropriate to the identity and context of Hillingdon's townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials.

The Urban Design Officer is of the view that the gardens at this site do have considerable local value and contribute positively to the character and appearance of this part of the street. The proposal would erode the character and certainly impact on the biodiversity of area. The proposal is also considered to detract from local distinctiveness of the area, and would not be appropriate to the identity of this streetscape.

The application is not considered to comply with the Local Plan and as such objection is raised to the principle of the development.

7.02 Density of the proposed development

Policy 3.4 of the London Plan is concerned with optimising housing potential. However, the London Plan also states that residential densities should be compatible/harmonise with the surrounding area.

In areas of medium density urban development, such as those comprised predominantly of detached houses, the acceptable density range for 4 bedroom/8 person dwellings (with 3.8 to 4.6 habitable rooms each) in an area with Public Transport Accessibility Level of 3 set out in the London Plan, Policy 3.4 is between 35-65 units per hectare, falling in the range of 150-250 hr/ha.

The proposed development, for two units with a total of 14 habitable rooms, on a site of approximately 0.16 hectare would thus be below the current London Plan figure for this type of dwelling and location (which has a PTAL of 3) at 12.5 units/ha. or 87.5 hr/ha. This is an acceptable density with consideration to Table 3.2 and therefore the development complies with Policy 3.4 of the London Plan.

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

The site is not located within a Conservation Area. However, Manor Way Conservation Area is to the north of the site. The impact on the character of the Conservation Area is addressed elsewhere in this report.

7.04 Airport safeguarding

The development does not result in any airport safeguarding issues.

7.05 Impact on the green belt

The site is not located in, or close to, Green Belt.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to ensure that new development complements and improves the character and amenity of the area. Policy BE4 requires new developments within or on the fringes of conservation areas to preserve or enhance those features which contribute to their special architectural and visual qualities.

The adopted Supplementary Planning Document (SPD): Residential Layouts: Section 3.4 states 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 the surrounding building lines, as a general rule the front and rear building lines should be a guide for the siting of new dwellings.

The site is adjacent to Ruislip Manor Way Conservation Area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The proposed elevations should take account the lines and openings and local details and proportions of adjoining properties. Section 4.27 of SPD; Residential Layouts (2006), states that careful

consideration should be given to the location of surrounding buildings, their orientation, building lines, frontages and entrances. Building lines within schemes should relate to the street pattern.

Section 5.11 of the SPD; Residential Layouts also states the intensification of sites within an existing streetscape if carefully designed can enhance the appearance of the surrounding area and the form and type of development should be largely determined by its townscape context. New developments should aim to make a positive contribution to improve the quality of the area, although they should relate to the scale and form of their surroundings.

The site layout of the current application differs from the previously refused scheme. However, the houses have large footprints, larger than those of the existing frontage buildings. In comparison to No.51 Pembroke Road the proposed houses are considerably wider. As a result, they would appear over-sized, imposing and overly dominant when viewed from the public highway as per the Inspector's comments in Paragraph 6 of the Appeal decision (15 June 2012).

Whilst the first floor is within a pitched roof form, the houses would still be very substantial buildings. Revised plans were submitted attempting to address the concerns of the design of the new buildings raised by the Urban Design Officer. Whilst this has improved the design of the buildings, the Urban Design Officer has commented that the front elevation could do without the vertical cladding and a stronger floating canopy would be a visual improvement over the door. The existing properties would result in large houses with uncharacteristically small gardens and significantly smaller than those of the adjacent properties.

Revised plans were submitted reducing the size of the turning head and hardstanding at the front to allow for more planting along the access road. This has addressed the comments from the Urban Design Officer and would not appear visually incongruous within the street scene.

The redevelopment of these two gardens, with tall fencing, double gates and a wide turning head and two houses would have a very marked impact on the appearance and character of the streetscene, and give a very vivid and sterile impression of the space that exists to the rear.

Overall, it is considered the layout and design of the proposal, including the creation of backland development, does not address the concerns raised by the previous Planning Inspector and the proposal remains an unacceptable development that would cause undue harm to the character and appearance of the local area. As such, the proposal would be contrary to the requirements of Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies BE4, BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Supplementary Planning Document (SPD) HDAS Residential Layouts.

7.08 Impact on neighbours

The proposed houses would be over 21m from the private amenity spaces of the houses in Pembroke Road, Windmill Hill, Green Walk and Brickwall Lane. This distance is sufficient to ensure that the proposal would not have an overbearing, over dominant or visually intrusive impact on the residential amenities of the occupiers of the houses in those streets. Furthermore, this distance would also ensure that the proposal would not result in a loss of privacy, through overlooking, would not result in a significant increase in

overshadowing and loss of sunlight/daylight to those properties, and would create a satisfactory residential environment for the occupiers of the new houses.

The use of the driveway would result in an increase in noise and disturbance to the occupiers of Nos.51 and 53 Pembroke Road. However, this increase is considered not to be so significant as to justify a refusal of planning permission.

It is therefore considered that the proposal would not harm the residential amenities of the occupiers of adjoining houses through over dominance, visual intrusion, overshadowing and overlooking, in accordance with Policies BE20, BE21, and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The new windows would provide adequate outlook and natural light to the rooms they would serve, in accordance with the Local Plan and paragraphs 4.9 and 4.12 of the HDAS: Residential Layouts.

7.09 Living conditions for future occupiers

London Plan Policy 3.5 states that housing developments should be of the highest quality internally, externally and in relation to the wider environment. It also states that Local Plans should incorporate minimum space standards and that these should conform to Table 3.3 of the plan. Paragraph 3.36 of the London Plan states:

"The mayor regards the relative size of all new homes in London to be a key element of this strategic issue. Table 3.3 therefore sets out minimum space standards for dwellings of different sizes. This is based on the minimum gross internal floor area (GIA) required for new homes relative to the number of occupants and taking into account commonly required furniture and the spaces needed for different activities and moving around, in line with the Lifetime Home standards. This means developers should state the number of bedspaces/occupiers a home is designed to accommodate rather than, say, simply the number of bedrooms. These are minimum standards which developers are encouraged to exceed."

Table 3.3 requires a 2 storey, 4 bedroom, 6 person dwelling, similar to the one proposed by this application, to have a minimum size of 107 sq.m. The proposed new dwellings would comply with the required standard resulting in a satisfactory residential environment for future occupiers, in compliance with Policy 3.5 and Table 3.3 of the London Plan and Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Hillingdon Local Plan Saved Policy BE23 and HDAS SPD: Residential Layouts states a minimum of 100sq.m of private amenity space should be provided for four bedroom houses. The proposed private amenity space would comply with this figure. The existing properties would retain a rear garden of over 100sq.metres. As such, the proposal would comply with the above guidance and Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

LIFETIME HOMES

It is considered that the houses could be acceptable with regard to Lifetime Homes requirements subject to the imposition of suitable conditions to any planning permission.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposed houses would not lead to a significant increase in traffic generation given their number and location within a residential area. As such, the proposal would comply with Policy AM2 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The Council's standard requires 2 off-street parking spaces for new houses. The submitted plans show 2 off-street parking spaces for each house, in compliance with the above standard. Sheltered cycle parking can be provided on site.

Therefore, it is considered that the proposal is unlikely to result in an increase in on-street demand for parking, and would meet sustainability objectives, in accordance with Policies AM7, AM9 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), paragraphs 4.33 and 4.39 of HDAS: Residential Layouts and the Council's Parking Standards (Annex 1, Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)).

7.11 Urban design, access and security

With regards to security, a condition could be attached requiring that the property achieve Secure by Design accreditation, should planning permission be granted.

7.12 Disabled access

With regards to life time homes standard, a condition could be attached requiring that the property achieve the requisite accreditation, should planning permission be granted.

7.13 Provision of affordable & special needs housing

This is not applicable to this application.

7.14 Trees, Landscaping and Ecology

TREES AND LANDSCAPING

Saved Policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

While there are no Tree Preservation Orders on, or close to, the site, there are boundary trees and shrubs along the side boundaries and a mature Hawthorn hedge. These form small trees along the rear (northern) boundary. These are protected by virtue of being within the Ruislip Manor Way Conservation Area. Conditions should be imposed on any consent granted to require the protection of this landscaping during construction.

Additional planting is proposed within the front gardens of numbers 51 and 53, either side of the proposed driveway. This will help to ameliorate the appearance of the existing hard surfacing associated with car parking and provide filtered screening between the new bungalows and the existing houses on Pembroke Road. The tree officer has not raised objection to this scheme subject to the imposition of condition RES 9 (parts 1,2,4,5 and 6) on any consent granted.

BIODIVERSITY/ECOLOGY

Private gardens within London form the largest areas of greenspace, providing people with their first contact of nature. Recent pressures of garden development and intensive build projects has put increasing pressure on garden space, and in turn the wildlife that they support. As a consequence, gardens are considered to be a priority habitat within the London Biodiversity Action Plan. Policy 7.19D of the London Plan requires these habitats to receive appropriate protection in the planning process.

Policy BE1 of the Hillingdon Local Plan Part 1, seeks to ensure development on gardens does not erode biodiversity in suburban areas (such as the application site).

At this site, the loss of the garden space to this proposal will result in a the substantial decrease of priority habitat area, put further pressure on the existing biodiversity of the garden, increase impermeable surfaces, and result in the loss of carbon sinks.

Furthermore, the existing gardens, in cumulation with surrounding gardens represent a larger network of natural space to the benefit of wildlife. The proposed development will sever some of these natural links and put further pressure on wildlife at a local level. Objection is raised to the proposal in this regard.

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 wheelie bin stores should not be further than 9m from the edge of the highway. The application has demonstrated a waste storage area along the shared access set approximately 9m from the edge of the highway to allow access by refuse collectors on Pembroke Road. As such the proposal is considered to comply with this advice.

7.16 Renewable energy / Sustainability

Policy 5.3 of the London Plan requires the highest standards of sustainable design and construction in all developments to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. The proposal seeks to use an air source heat pump to provide 26% of each bungalows energy consumption.

7.17 Flooding or Drainage Issues

The buildings would increase the area of impermeable surface, however subject to conditions to mitigate runoff, no objection would be raised.

7.18 Noise or Air Quality Issues

This is not applicable to this application.

7.19 Comments on Public Consultations

The comments made by the individual responses are noted and are considered within the main report or within the refusal reason.

7.20 Planning Obligations

Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that the Local Planning Authority will, where appropriate, seek to supplement the provision of recreation open space, facilities to support arts, cultural and entertainment activities, and other community, social and educational facilities through planning obligations in conjunction with other development proposals.

The proposed scheme has more than six habitable rooms and would result in a requirement for an education contribution of £24,061 if the application is recommended for approval. The applicant has agreed to pay this financial contribution, however as there is no legal agreement in place the application should also be refused on this ground.

The proposed development would exceed 100sq.m, therefore there would also be a requirement to make a CIL contribution.

7.21 Expediency of enforcement action

This is 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

This is not applicable to this application.

10. CONCLUSION

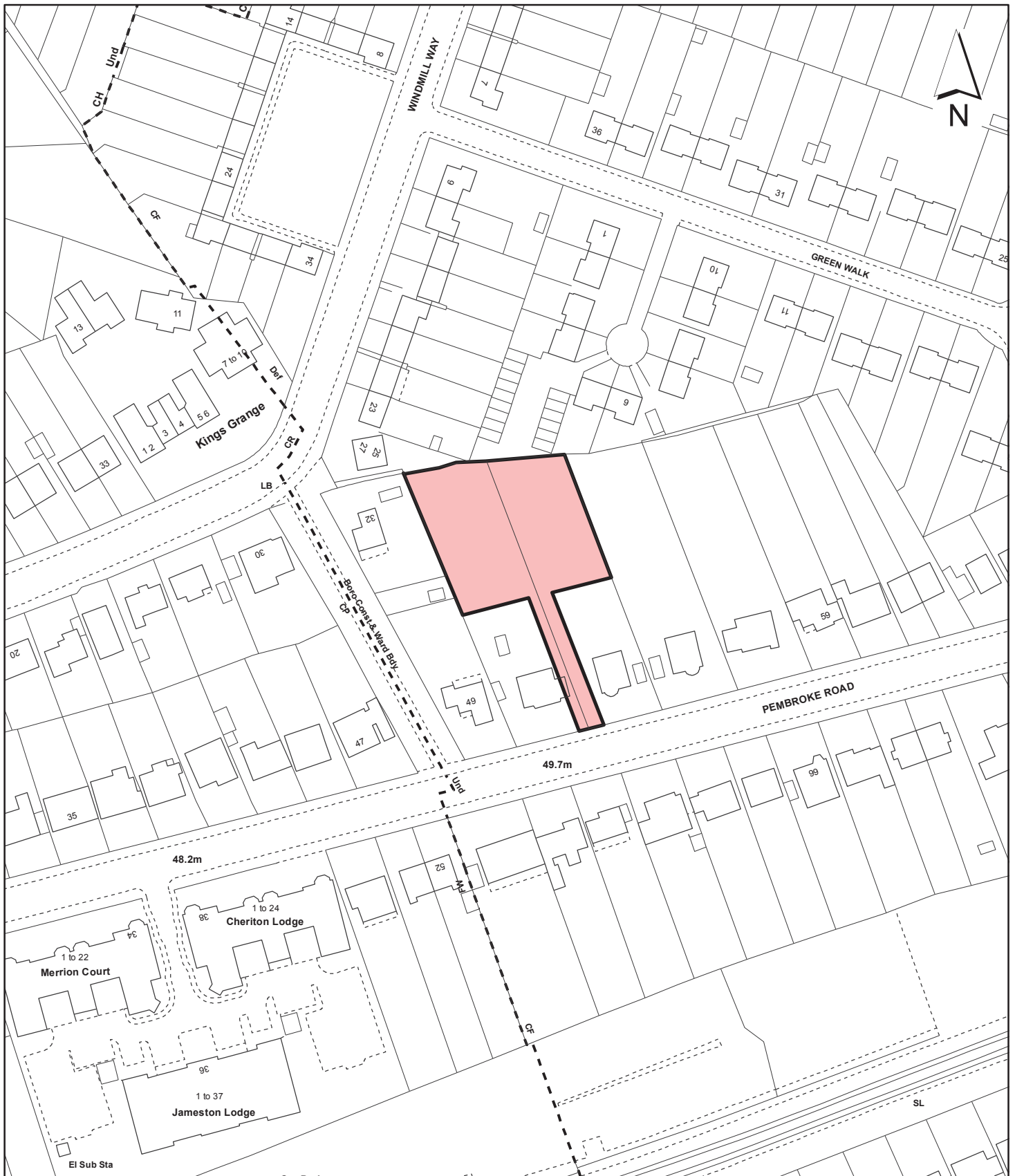
The proposed development is considered to be contrary to the aforementioned policies and as such, this application is recommended for refusal.

11. Reference Documents

London Plan (July 2011)
Hillingdon Local Plan: Part One (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
Hillingdon Design and Accessibility Statements: 'Residential Layouts and Accessible Hillingdon'
Hillingdon Supplementary Planning Document: Planning Obligations
National Planning Policy Framework (March 2012).
Hillingdon Planning Obligations Supplementary Planning Document July(2008) and updated chapter 4 Education (August 2010).
Council's Supplementary Planning Guidance - Community Safety by Design
Council's Supplementary Planning Guidance - Noise
Council's Supplementary Planning Guidance - Air Quality
Letters making representations.

Contact Officer: Mandeep Chaggar

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Notes

 Site boundary

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Site Address

**Land to rear of
51 and 53 Pembroke Road
Ruislip**

**LONDON BOROUGH
OF HILLINGDON
Residents Services**

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

Planning Application Ref:
66982/APP/2013/109

Scale
1:1,250

Planning Committee
North

Date
**April
2013**



HILLINGDON
LONDON