

## Report of the Head of Planning, Sport and Green Spaces

**Address** PINOVA CUCKOO HILL EASTCOTE  
**Development:** Installation of 9 Solar Photovoltaic Panels (Retrospective Application)  
**LBH Ref Nos:** 66027/APP/2013/145  
**Drawing Nos:** 2551-21 Rev. A

**Date Plans Received:** 22/01/2013      **Date(s) of Amendment(s):**  
**Date Application Valid:** 11/03/2013

### 1. CONSIDERATIONS

#### 1.1 Site and Locality

The application site is located on the western side of Cuckoo Hill and comprises a five bedroom detached house. To the north of the application site lies Applegarth, a property of distinctive design and character within the street scene and its grounds are well landscaped with a significant number of trees and planting on the boundaries and adjacent to the highway. The site is on a hill with the ground sloping down towards the neighbouring Mistletoe Farm, a change in levels of approximately 2m.

Mistletoe Farm is to the south, and is a Grade II Listed Building, with its grounds including an historic rose garden of distinctive character, in proximity to the boundary with Applegarth. The Eastcote Village Conservation Area also begins approximately 100m to the south of the site.

Cuckoo Hill is characterised by large detached dwellings in well landscaped grounds. The borough boundary runs along the centre of the road and the eastern side of Cuckoo Hill is within the London Borough of Harrow. The grain of development differs between the boroughs with a greater level of development and smaller plot sizes on the eastern side of the road, however the predominant character, as described above, remains.

Directly opposite the application site lies the access to 'The Circuits', a small Close containing 6 detached properties.

#### 1.2 Proposed Scheme

The application seeks retrospective planning permission for 9 solar photovoltaic panels on the southern elevation of the roofslope of Pinova. Each solar panels measures 0.994m wide and 1.662m high.

#### 1.3 Relevant Planning History

66027/APP/2009/1044      Land Forming Part Of Applegarth Cuckoo Hill Eastcote  
Erection of a five-bedroom detached house with associated parking and amenity.

**Decision Date:** 10-07-2009      Approved      **Appeal:**

66027/APP/2011/490 Land Forming Part Of Applegarth Cuckoo Hill Eastcote

Details in compliance with conditions 6 (tree protection) and 7 (landscape scheme) of planning permission ref. 66027/APP/2009/1044 dated 10/07/2009: Erection of a five-bedroom detached house with associated parking and amenity.

**Decision Date:** 25-07-2011 Approved **Appeal:**

66027/APP/2012/1374 Pinova Cuckoo Hill Eastcote

Variation of condition No.12 of planning permission reference 66027/APP/2009/1044 dated 10/07/2009 to allow for the installation of 3 x rooflights (Erection of a five-bedroom detached house with associated parking and amenity.)

**Decision Date:** 21-08-2012 NFA **Appeal:**

66027/APP/2012/2060 Pinova Cuckoo Hill Eastcote

Application for non-material amendment to planning permission Ref: 66027/APP/2009/1044 dated 10/07/2009 to make alterations to the rooflights (Erection of a five-bedroom detached house with associated parking and amenity)

**Decision Date:** 01-10-2012 Approved **Appeal:**

66027/APP/2012/2693 Pinova Cuckoo Hill Eastcote

Variation of condition No. 5 (Trees) of planning permission ref 66027/APP/2009/1044 dated 10/07/2009 to allow improvement of street scene screening (Erection of a five-bedroom detached house with associated parking and amenity)

**Decision Date:** 20-12-2012 Withdrawn **Appeal:**

66027/APP/2012/3212 Pinova Cuckoo Hill Eastcote

Variation of condition No. 5 (Trees) of planning permission ref. 66027/APP/2009/1044 dated 10/07/2009 to allow improvement of street scene screening (Erection of a five-bedroom detached house with associated parking and amenity).

**Decision Date:** 27-02-2013 Withdrawn **Appeal:**

66027/TRE/2012/134 Pinova Cuckoo Hill Eastcote

To fell two Elms (T31 & T32); and to carry out tree surgery, including a crown lift to 4m to one Norway Spruce (T49) and three Norway Spruce in group G8; and the cutting back of the limb overhanging garden, to one Weeping Willow (T47) on TPO 81.

**Decision Date:** 11-10-2012 Approved **Appeal:**

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

66027/APP/2009/1044: Planning permission was granted in 2009 for the erection of a five-bedroom detached house. Condition 12 removed permitted development rights for additions to or enlargement of the roof.

#### **2. Advertisement and Site Notice**

**2.1** Advertisement Expiry Date:- Not applicable

**2.2** Site Notice Expiry Date:- Not applicable

#### **3. Comments on Public Consultations**

EXTERNAL:

33 residents, the Northwood Hills Residents Association and the Eastcote Residents Association have been consulted. A site notice has also been displayed.

4 responses objecting to the proposal on the following grounds:

1. The solar panels significantly impact on the character of Cuckoo Hill in an extremely negative way. The solar panels are highly visible from Birchmead and are an absolute eyesore for anyone travelling along our beautiful road;
2. The house is built right on the boundary of the 16th century listed building, Mistletoe Farm, and overlooks the historic gardens. The PV panels, being situated on the roof of the house, are highly visible from the listed property, and create a very incongruous sight, towering above the 19th century formal walled rose garden and stone path being directly above it. There has been no attempt to use more visually attractive units, locate them where they would not be visible, or indeed make any acknowledgment of their potential impact on the listed building.
3. The specific location of the PV panels on the roof is incompatible with compliance with the landscaping and screening conditions associated with the planning permission;
4. The solar panels as fitted are in contravention of the planning permission granted;
5. An eyesore from the road and from adjoining properties;
6. Concerns over trees being removed;

(Officer Comment: The concerns raised are addressed in the main body of the report).

Harrow Council: No objection.

Ward Councillor: Requests that the application is considered by the North Planning Committee.

INTERNAL:

Conservation and Urban Design:

This is a new property adjacent to the listed Mistletoe Farmhouse in Cuckoo Hill. The scheme seeks an amendment to install solar panels on the south elevation. Given the distance from Mistletoe, it would be hard to argue that the panels have a detrimental impact on the setting of the listed building. There would, therefore, be no objections from a listed building point of view.

From a design point of view, the panels are considered to be large. Again, given the vegetation to the side and front of the house, the impact on the street scene would be reduced. Ideally, the number of panels should be reduced, but in order to achieve optimum energy results these would be acceptable in this instance.

Conclusion: Acceptable in this instance.

Trees and Landscape:

The photovoltaic panels have already been installed and do not affect the trees or landscape of the site. No objection.

EPU:

No objections.

#### **4. 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:

BE10 Proposals detrimental to the setting of a listed building

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.

HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

LPP 5.3 (2011) Sustainable design and construction

#### **5. MAIN PLANNING ISSUES**

The main issues for consideration in determining this application relate to the effect of the proposal on the character and appearance of the original dwelling, the impact on the visual amenities of the surrounding area, the impact on residential amenity of the neighbouring dwellings and the setting of a listed building.

The scheme seeks retrospective planning permission for the installation of solar panels on the south elevation of the roof slope. The Council's Conservation Officer considers that whilst the solar panels are large, given the screening from existing trees vegetation, the scheme does not result in a detrimental impact on the original house or the character and appearance of the surrounding area.

Furthermore, taking into consideration the distance from Mistletoe, a Grade II listed building, it would be difficult to argue that the panels have a detrimental impact on the setting of the listed building.

There are therefore no objections in relation to the impact of the development on the character and appearance of the street scene, the visual impact of the proposal or the setting of the listed building.

As such, the development is considered to be in compliance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE10, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and paragraph 7.15 of the HDAS: Residential Extensions.

The solar panels, by reason of their scale and position on the roof slope do not result in an unacceptable impact on adjoining neighbouring properties by way of loss of light or overdominance and, as considered above, given the extensive tree and vegetation cover in and around the site the proposal would not result in visual intrusion to such a degree that refusal could be justified. Therefore, the application proposal would not constitute an

un-neighbourly form of development and is in compliance with the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) BE20, BE21 and BE24 and Section 7 of the HDAS: Residential Extensions.

This application is therefore recommended for approval.

## **6. RECOMMENDATION**

### **APPROVAL subject to the following:**

#### **1 HO1 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 HO2 Accordance with approved**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number 2551-21 Rev. A.

#### **REASON**

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

## **INFORMATIVES**

- 1** 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.

## **Standard Informatives**

- 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 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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

BE10 Proposals detrimental to the setting of a listed building  
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.  
HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008  
LPP 5.3 (2011) Sustainable design and construction

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

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

- 5 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, Environment and Community Services, Building

Control,

3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

- 6 You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work in the early morning or late at night or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all

vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Protection Unit, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190).

- 7 The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
- carry out work to an existing party wall;
  - build on the boundary with a neighbouring property;
  - in some circumstances, carry out groundworks within 6 metres of an adjoining building.
- Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning, Environment and Community Services Reception, Civic Centre, Uxbridge, UB8 1UW.
- 8 Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.
- 9 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 should only be carried out between the hours of 08.00 hours 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 and Public Holidays.
  - B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.
  - C) The elimination of the release of dust or odours that could create a public health nuisance.
  - D) No bonfires that create dark smoke or nuisance to local residents.
- You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) 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

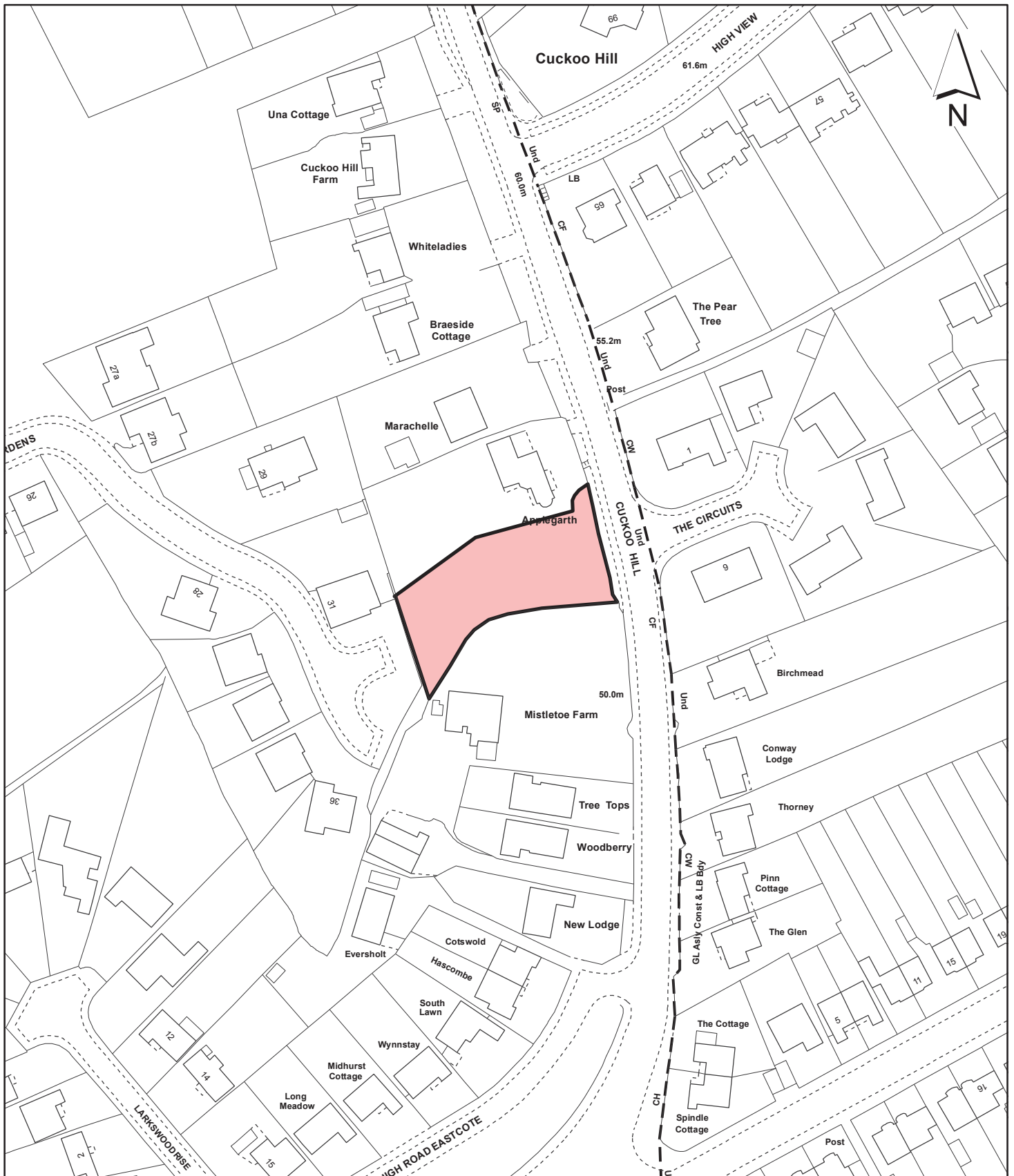
hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

- 10 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.
- 11 To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO<sub>2</sub>) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.
- 12 You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).


**Contact Officer:** Mandeep Chaggar

**Telephone No:** 01895 250230





**Notes**

 Site boundary

For identification purposes only.

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Site Address

**Pinova  
Cuckoo Hill  
Northwood**

**LONDON BOROUGH  
OF HILLINGDON  
Residents Services**

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

Planning Application Ref:  
**66027/APP/2013/145**

Scale  
**1:1,250**

Planning Committee  
**North**

Date  
**April  
2013**



**HILLINGDON**  
LONDON