Report of the Head of Planning, Sport and Green Spaces

Address OAKHURST, 1 NORTHGATE NORTHWOOD

Development: Two storey, 6-bedroom detached dwelling with basement level with

associated parking and amenity space and installation of vehicular crossover

to front, involving demolition of existing dwelling

LBH Ref Nos: 30779/APP/2013/539

Drawing Nos: P.04 Rev. D

P.05 Rev. C P.03 Rev. D P.09 Rev. A P.02 Rev. E

E-mail from Natural England, dated 30/1/13

P.11 P.12 P.07 Rev A P.06 Rev A P.08 Rev A P.01 Rev. A P.10

Tree Protection Plan, September 2010

D 02 04

Tree Constraints Plan, June 2009

Design and Access Statement, March 2013 Arboricultural Survey, dated 29/06/09 Agent's covering e-mail dated 9/4/13 Ecological Assessment Report, April 2012

Building Survey Report on Oakhurst, dated 9/4/10

 Date Plans Received:
 05/03/2013
 Date(s) of Amendment(s):
 26/03/2013

 Date Application Valid:
 13/03/2013
 07/03/2013

1. SUMMARY

This application seeks permission to demolish Oakhurst, a locally listed building within the Copsewood Estate Area of Special Local Character and erect a replacement 6-bedroom detached facsimile property with a basement.

A previous planning application for an almost identical scheme on this site, together with an application for a new detached house of similar scale, bulk and design at the side of Oakhurst was dismissed at appeal on the 3/2/11 (App. Nos. 30779/APP/2010/1107 and 67012/APP/2010/1107) and a subsequent judicial review upheld the inspector's decision. However, the inspector only rejected the scheme for a replacement house on the grounds that with the sub-division of the curtilage, Oakhurst would only have private amenity space at the rear which would be dominated and shadowed by a protected Oak tree. The usability of this amenity area would be compromised and the living conditions afforded would not be acceptable which in turn, would result in pressure to remove or substantially reduce the protected tree. The inspector did not reject the scheme on the grounds of the loss of the locally listed Oakhurst which was considered to have 'limited significance as a heritage asset'.

A subsequent application for the new house on the adjoining land was submitted and also considered at appeal. That inspector took a different view to the previous inspector, stating that the protected Oak tree would not unduly dominate the garden of Oakhurst and therefore any proposals to fell or reduce the tree could be resisted by the Council and on this basis and allowed the appeal.

Therefore, there are no further grounds to refuse the application and it is recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

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 P.02 Rev. E, P.03 Rev. D, P.04 Rev. D, P.05 Rev. C, P.09 Rev. A, P.10, P.11 and P.12 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 UDP Policies (November 2012) and the London Plan (July 2011).

3 RES6 Levels

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and know datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with Policy BE13 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

4 NONSC Non Standard Condition

Prior to the commencement of demolition work, an external and internal photographic survey shall be carried out, submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that a historic record of the locally listed building is produced to promote increased public awareness and interest in the historic environment in accordance with Policy HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

5 NONSC Non Standard Condition

The ground floor fireplace in the room at the rear shall be salvaged and re-used in the

new house and the bell panel in the kitchen shall be preserved.

REASON

To ensure that salvageable features in the locally listed building are preserved, in accordance with Policy HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

6 RES7 Materials (Submission)

No development or demolition shall take place until details of all materials and external surfaces have been submitted to and approved in writing by the Local Planning Authority. Windows, external doors and the porch shall be detailed to match those of the existing house as detailed on Drw. Nos. P.11 and P.12. 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 Policies BE6 and BE13 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7 RES9 Landscaping (car parking & refuse/cycle storage)

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 Means of enclosure/boundary treatments
- 2.b Car Parking Layouts
- 2.c Hard Surfacing Materials
- 2.d External Lighting
- 3. Other
- 3.a Existing and proposed functional services above and below ground
- 3.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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

8 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 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and to comply with Section 197 of the Town and Country Planning Act 1990.

9 RES12 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.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

10 RES14 Outbuildings, extensions and roof 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 garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to any dwellinghouse(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

REASON

To protect the character and appearance of the area and amenity of residential occupiers in accordance with policies BE13, BE21, BE23 and BE24 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

11 RES15 Sustainable Water Management (changed from SUDS)

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy 5.15 of

the London Plan and will:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

To ensure the development does not increase the risk of flooding in accordance with Policy OE8 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (July 2011) Policy 5.12.

12 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.

13 RES18 Lifetime Homes/Wheelchair Units

All residential units within the development hereby approved shall be built in accordance with Lifetime Homes Standards 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

14 NONSC Non Standard Condition

Level and/or graded access shall be provided to and into the dwelling house and shall be retained in perpetuity.

REASON

To ensure adequate access for all, in accordance with Policy 3.8 of the London Plan (July 2011).

RES23

The access for the profite bidity as playsing **Parties treap** rovided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.

REASON

In the interests of highway and pedestrian safety in accordance with policy AM7 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

16 RES24 Secured by Design

The dwelling(s) shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No dwelling shall be occupied until accreditation has been achieved.

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (July 2011) Policies 7.1 and 7.3.

17 NONSC Non Standard Condition

Prior to the commencement of the development or any demolition work, a scheme for the protection and enhancement of the ecological value of the site, based upon the recommendations and mitigation measures identified in the Ecological Assessment Report, April 2012, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a plan showing how the existing areas of ecological value have been retained and enhanced. Any proposals to remove vegetation must be compensated for on site, or through an offsite contribution. The development must proceed in accordance with the approved scheme.

REASON

To safeguard and enhance the ecological interest of the site, in accordance with Policies EC2 and EC5 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

INFORMATIVES

1 l52 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 I53 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) 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.

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LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 5.2	(2011) Minimising Carbon Dioxide Emissions
LPP 5.3	(2011) Sustainable design and construction
LPP 5.7	(2011) Renewable energy
LPP 5.12	(2011) Flood risk management
LPP 5.13	(2011) Sustainable drainage
LPP 5.15	(2011) Water use and supplies
LPP 6.5	(2011) Funding Crossrail and other strategically important transport
LI 1 0.0	infrastructure
LPP 6.12	(2011) Road Network Capacity
LPP 6.13	(2011) Parking
LPP 7.1	(2011) Building London's neighbourhoods and communities
LPP 7.2	(2011) An inclusive environment
LPP 7.3	(2011) Designing out crime
LPP 7.4	(2011) Local character
LPP 7.6	(2011) Architecture
LPP 7.8	(2011) Heritage assets and archaeology
LPP 7.9	(2011) Heritage-led regeneration
LPP 7.19	(2011) Biodiversity and access to nature
LPP 7.21	(2011) Trees and woodland
BE5	New development within areas of special local character
BE6	New development within Gate Hill Farm and Copsewood Estates
	areas of special local character
BE8	Planning applications for alteration or extension of listed buildings
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.
EC2	Nature conservation considerations and ecological assessments
EC5	Retention of ecological features and creation of new habitats
R17	Use of planning obligations to supplement the provision of
	recreation, leisure and community facilities
AM7	Consideration of traffic generated by proposed developments.
	Jeneral Service Servic

AM14 New development and car parking standards.

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

SPG-CS Community Safety by Design, Supplementary Planning Guidance,

adopted July 2004

SPD-PO Planning Obligations Supplementary Planning Document, adopted

July 2008

3 115 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 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.

4 I1 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.

5 |2 Encroachment

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.

6 I5 Party Walls

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 & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

7 | 16 | Property Rights/Rights of Light

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.

3. CONSIDERATIONS

3.1 Site and Locality

The 0.1 hectare application site lies on the south side of Northgate and is occupied by 'Oakhurst', a timber framed Tudor vernacular style, detached 4-bedroom house which is currently vacant and in a poor state of repair. Oakhurst originally had a very substantial plot, the rear part of the site has now been developed for two large detached houses and it's former side garden is now fenced off, having been previously used as a builders' compound in association with the construction of the two houses. The application site has a 20m wide frontage onto Northgate which has been boarded up with 1.8m high hoarding which wraps around along the eastern boundary adjacent to the gated access to the two houses at the rear. The application site and adjoining land forms part of the Copsewood Estate which is characterised by large detached houses on substantial, typically verdant plots. The site also contains a number of mature trees, including an impressive mature Oak in the middle of the rear garden which is covered by Tree Protection Order (TPO) 173 (T29).

3.2 Proposed Scheme

This application to erect a replacement facsimile 5 bedroom detached house, involving the demolition of the existing house. The house would replicate the siting, scale and design of the existing property, incorporating an integral single garage, but would include a new basement level with a sixth staff bedroom and rear lightwell. The house would be 17.6m wide and have a maximum depth of 10.4m, with a main eaves height of 5.3m and ridge height of 7.7m. At its nearest point, the house would be set back from the road by 15m, matching the siting of the existing house.

The house would mimic the scale, proportion and design of the existing house. It would have a double ridged roof running parallel to the road, with a front and a rear gable within the roof and a projecting two storey gabled bay at the front which incorporates the garage and also wraps around at the side to form a cat slide side element on part of the western side elevation of the house. The house would be timber framed to matching the detail of the existing. Revised plans have been received on the advice of the Council's Conservation/Urban Design Officer so that the timber frame detail better reflects that of the original property. The main external differences now would be the relatively minor alterations to the size and siting of some of the doors and windows and the roof gables which tend to lean on the original as viewed from the side so that they overhang more at

the ridge have been straightened.

Internally, the layout of the house mimics that of the original, with 5 bedrooms being provided on the first floor, although the layout has been altered and positions of some of the rooms altered. Within the basement, a games and TV room would be provided, together with a staff bedroom with en-suite and laundry room with kitchenette. The lightwells at the rear would be some 1.6m deep and sited on each side of the building, retaining access to the rear garden from the French doors sited towards the middle of the building which would serve the ground floor kitchen/breakfast room and lounge. The light wells would be surrounded by 1.4m high balustrading.

A number of reports have been submitted in support of this application:

Design and Access Statement, March 2013:

This describes the site and the planning history. A summary of relevant development plan policy is provided and the proposal is described. The statement then provides an assessment of the proposals against a series of headings, including principle of demolition, use and amount of development, layout, landscaping, scale and appearance. Access and other matters are discussed, before the report concludes that the proposed development is of a high standard that is appropriate to the area and complies with relevant planning policy.

Arboricultural Survey, dated 29/06/09

This provides tree information on the larger Oakhurst site.

Ecological Assessment Report, April 2012

This report provides a non-technical summary and provides an introduction to the study, advising that this repeat survey undertaken in April 2012 updates previous surveys undertaken in February 2010. The methodology is described, including a desk study, Phase 1 Survey and as the surveys in 2010 indicated the presence of bats and badgers, repeat surveys for these species were undertaken. Results are presented and recommendations and mitigation for particular species presented. The report concludes that protected species activity on site has reduced since the last surveys in 2010 and original recommendations have been amended, due to additional flexibility. Providing mitigation measures are adopted, ecological impacts of development will be reduced to a minimum.

Building Survey, April 2010:

This describes the results of a building survey, undertaken in April 2010.

3.3 Relevant Planning History

Comment on Relevant Planning History

A number of planning applications have been submitted in the past for the residential redevelopment of this and adjoining sites which once formed part of the original curtilage of Oakhurst, one of which has been implemented. Of particular relevance to this application is the most recent planning history on this and the adjoining part of the original side garden which has now been divided by a fence.

Following planning approvals to extend Oakhurst and erect two detached houses at the

rear (30779/ APP/2007/3799 and 30779/APP/2009/2036), subsequently an application to erect a replacement dwelling on this site (30779/APP/2010/1108) was dismissed at appeal on 3/2/11. Although at the North Planning Committee on 16/09/10, Members considered that the application should be refused on 6 grounds, namely (i) the loss of Oakhurst without all options being considered for its repair and renovation; (ii) the provision of a large basement with large windows and lightwells being incongruous within the Copsewood Estate Area of Special Local Character; (iii) inadequate retained rear amenity space due to overshadowing by protected trees; (iv) pressure due to overshadowing to remove of substantially reduce a protected Oak (T29); (v) lack of information regarding impact of development upon protected species and (vi) lack of measures to minimise carbon dioxide emissions, the appeal inspector only dismissed the appeal due to the lack of usable amenity space due to overshadowing by trees and the threat this situation posed to the protected Oak tree (T29).

At the same time, an application was submitted to erect a new house at the side of Oakhurst (ref. 67012/APP/2010/1107). This was also dismissed within the inspector's letter dated 3/2/11 on similar grounds with the inspector stating that the proposed new house would leave Oakhurst with a much reduced garden area that would be overshadowed and therefore likely to lead to the indirect loss of the protected Oak tree T29. The decision was judicially reviewed, but the inspector's decision was upheld.

Of critical importance is a further application for a new house on the side of Oakhurst (67012/APP/2011/2712). In considering the appeal for non-determination, the inspector took a different view from her predecessor and allowed the appeal.

Oakhurst was locally listed in May 2010.

Approval has also been granted on 24/5/13 to fell an Oak tree which is in decline (T28 on TPO 173) at the side of Oakhurst (67012/TRE/2013/17).

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.HE1	(2012) Heritage
PT1.BE1	(2012) Built Environment
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM6	(2012) Flood Risk Management
PT1.EM7	(2012) Biodiversity and Geological Conservation
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.CI1	(2012) Community Infrastructure Provision
PT1.39	To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.

Part 2 Policies	s:
NPPF1	
NPPF6	
NPPF7	
NPPF10	
NPPF11	
NPPF12	
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 5.2	(2011) Minimising Carbon Dioxide Emissions
LPP 5.3	(2011) Sustainable design and construction
LPP 5.7	(2011) Renewable energy
LPP 5.12	(2011) Flood risk management
LPP 5.13	(2011) Sustainable drainage
LPP 5.15	(2011) Water use and supplies
LPP 6.5	(2011) Funding Crossrail and other strategically important transport infrastructure
LPP 6.12	(2011) Road Network Capacity
LPP 6.13	(2011) Parking
LPP 7.1	(2011) Building London's neighbourhoods and communities
LPP 7.2	(2011) An inclusive environment
LPP 7.3	(2011) Designing out crime
LPP 7.4	(2011) Local character
LPP 7.6	(2011) Architecture
LPP 7.8	(2011) Heritage assets and archaeology
LPP 7.9	(2011) Heritage-led regeneration
LPP 7.19	(2011) Biodiversity and access to nature
LPP 7.21	(2011) Trees and woodland
BE5	New development within areas of special local character
BE6	New development within Gate Hill Farm and Copsewood Estates areas of special local character
BE8	Planning applications for alteration or extension of listed buildings
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.
EC2	Nature conservation considerations and ecological assessments
EC5	Retention of ecological features and creation of new habitats
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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
SPG-CS	Community Safety by Design, Supplementary Planning Guidance, adopted July 2004
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

4 neighbouring properties have been consulted and a notice has been displayed on the frontage of the site. 1 response has been received, making the following comments:

Strongly against the demolition of this beautiful historic building. It is quite frankly criminal that this could ever be torn down. It should be restored to its former glory. I don't understand how this application is being considered if it is a listed building with protected wildlife. These rules are in place to protect our history, yet developers always find a way around it. No doubt it will be damaged beyond repair in an "accidental fire" just like the True Lovers Knot Public House.

RUISLIP, NORTHWOOD AND EASTCOTE LOCAL HISTORY SOCIETY:

We oppose the demolition of this locally listed building which is an excellent example of Tudor vernacular style. It contributes to the ambience of the Copsewood Estate an Area of Special Local Character. Despite the structural problems it should be restored and retained rather than being replaced with a new build. Local listing should at least offer protection from demolition. Please consider these comments even though the closing date has gone.

NORTHWOOD RESIDENTS' ASSOCIATION:

The Northwood Residents' Association requests the Council to take due care of any possible effect of the proposed basement on the water table.

Internal Consultees

URBAN DESIGN/CONSERVATION OFFICER:

Background: The current proposal has now been amended to show elevations of the same

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proportions and design as the existing building. Whilst it is not proposed to keep the door or porch, drawings have been submitted which commit the applicant to making copies of the existing.

The previous appeal decisions have left a way open to the applicant to redevelop this house in facsimile, and, although officers, councillors and residents are strongly opposed to the loss of this house, which is such a landmark in the area, it seems that no further planning objection can be sustained.

However, the application should be conditioned to the effect that:

- 1. A photographic survey, external and internal, should be carried out and submitted to the Local Planning Authority prior to demolition.
- 2. Windows, external doors and porch shall be detailed to match those of the existing house.
- 3. The ground floor fireplace in the room at the rear shall be salvaged and re-used in the new house, and the bell panel saved.
- 4. All permitted development rights shall be removed from the new development
- 5. All materials for the new house should be checked personally on site with the Conservation Officer, before demolition takes place.

Recommendation: Acceptable

TREE/LANDSCAPE OFFICER:

Original Plans:

Tree Preservation Order (TPO)/ Conservation Area: This site is covered by TPO 173.

Significant trees/other vegetation of merit in terms of Saved Policy BE38: The trees on-site and the area of woodland beyond comprise a large-scale and prominent landscape feature which significantly contribute to the amenity and wooded character of the Copsewood Estate Area of Special Local Character.

The supporting tree protection details provide an adequate level of protection, however details of levels and services should also be provided; this matter can be dealt with by condition.

Scope for new planting: Landscaping plans should be submitted; this matter can be dealt with by condition.

Conclusion (in terms of Saved Policy BE38): Acceptable, subject to conditions RES 8; RES 9 (1, 2 & 6); and RES 10.

HIGHWAY ENGINEER:

No objections on highway grounds subject to a standard pedestrian visibility splay condition.

SUSTAINABILITY OFFICER:

Given that previous ecological matters have been discussed on the neighbouring site the following condition would be sufficient. In particular, protected species are known to use the supporting vegetation in the area. It was agreed that this would remain as part of the neighbouring application. It now cannot be lost as part of this application.

Prior to the commencement of a development a scheme for the protection and enhancement of the ecological value of the site shall be submitted and approved in writing by the Local Planning

Authority. The scheme shall include a plan showing how the existing areas of ecological value have been retained and enhanced. Any proposals to remove vegetation must be compensated for on site, or through an offsite contribution. The development must proceed in accordance with the approved scheme.

The new house must meet Code for Sustainable Homes level 4.

ACCESS OFFICER:

The proposal seeks to demolish the existing house and erect a replacement dwelling. The Design and Access Statement does not discuss accessible housing principles and the plans indicate that the internal layout would not be compatible with the Lifetime Homes Standards.

In assessing this application, reference has been made to London Plan July 2011, Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document 'Accessible Hillingdon' adopted January 2010. Compliance with all 16 Lifetime Home standards (as relevant) should be shown on plan.

The following access observations are provided:

- 1. Level access should be achieved. Entry to the proposed dwelling appears to be stepped, which would be contrary to the above policy requirement. Details of level access to and into the proposed dwelling should be submitted. A fall of 1:60 in the areas local to the principal entrance should be incorporated to prevent rain and surface water ingress. In addition to a levels plan showing internal and external levels, a section drawing of the level access threshold substructure, and water bar to be installed, including any necessary drainage, should be submitted.
- 2. The scheme does not include provision of a downstairs WC, compliant with the Lifetime Home requirements. To this end, a minimum of 700mm should be provided to one side of the toilet pan, with 1100mm in front to any obstruction opposite.
- 3. A minimum of one bathrooms/ensuite facility should be designed in accordance with Lifetime Home standards. At least 700mm should be provided to one side of the WC, with 1100mm provided between the front edge of the toilet pan and a door or wall opposite.
- 4. To allow bathrooms to be used as wet rooms in future, plans should indicate floor gulley drainage.
- 5. The plans should indicate the location of a future 'through the ceiling' wheelchair lift.

Conclusion: to secure the above provisions, it would be acceptable to attach a suitable planning Condition to any grant of planning permission. An additional Condition, as set out below, should be attached to any planning permission:

Additional Condition

Level or ramped access shall be provided to and into the dwelling houses, designed in accordance with technical measurements and tolerances specified by Part M to the Building Regulations 2000 (2004 edition), and shall be retained in perpetuity.

REASON: to ensure adequate access for all, in accordance with London Plan policy 3.8, is achieved and maintained, and to ensure an appropriate standard of accessibility in accordance with the Building Regulations.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The proposal is for a replacement dwelling on this residential plot within an established residential area. As such, there are no objections in principle to the proposal, subject to normal development control criteria.

7.02 Density of the proposed development

As the proposal is for a replacement house, this is not relevant to this application.

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

Oakhurst is a building which dates back to the early 1920's and is of considerable local character. With its partner, Tudor House adjacent, it makes a significant contribution to the street scene of Northgate and the Copse Wood Estate Area of Special Local Character.

Although English Heritage (EH) have investigated the building for possible statutory listing, this was rejected. The importance of the character of the building has been recognised by it being included on the Council's local list in May 2010.

The loss of Oakhurst was considered in some detail by the previous Inspector in his decision letter dated 3/2/11. At paragraphs 31 and 32, the Inspector states:

'From the evidence that is available to me, particularly the EH report, I consider that Oakhurst has limited historic interest. I concur with the EH report which describes it simply as a 'well surviving early twentieth century house in vernacular style.

In terms of architectural interest, I believe that this is also limited. I again rely upon the EH report which describes elements of the Tudor vernacular as being routine and imitative, materials being used functionally and in a standard form, the cement render being out of place aesthetically, and the detail of the interior being a standard imitation of historical style and form. That said, and although the building is in poor condition, I consider that it is not unattractive and that it does make a positive contribution to the street-scene and to the CEASC. However, after carrying out my site visit, I consider that the same can be said for other houses in the area, many of which are more modern than Oakhurst. I appreciate that Oakhurst is much liked by the local community but I nevertheless consider that the house has limited significance as a heritage asset.'

The Inspector at Para. 33 concludes on this issue:

'Although the proposal would result in the loss of Oakhurst as a heritage asset, that asset has limited significance and the proposed new house would make a positive contribution to the character and appearance of the area. I therefore conclude that the loss of Oakhurst should not prevent the scheme from receiving planning permission. In this respect, the proposal would not be contrary to guidance given in PPS5.'

Since March 2012, PPS5 has been replaced by the National Planning Policy Framework. However, guidance as regards conserving the historic environment has not particularly been made any more onerous, with Paragraph 135 of the NPPF stating:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Given the previous Inspector's consideration that Oakhurst had limited significance as a heritage asset, it could not now be argued that the NPPF attaches greater weight to conserving such buildings.

As regards the current proposal, this scheme is for a very similar facsimile replacement house which would make as much of a positive contribution towards the character and appearance of the area as the almost identical building considered by the previous Inspector. Revised plans have also been submitted, in response to discussions with officers which are considered to more greatly reflect the detailing of the building. Detailed plans have also been submitted of the porch and front door design. The building has also been inspected by officers, with a view to assessing whether any features could be salvaged.

On this basis, the Council's Urban Design/Conservation Officer advises that no further planning objection can be sustained, although any approval should be conditioned to ensure that an external and internal photographic survey of the existing house should be made, external features should match the existing house, a ground floor fireplace should be salvaged and re-used and a bell panel saved, permitted development rights should be removed and all materials for the new house should be checked personally on site with the Conservation Officer, before demolition takes place.

It is therefore considered that the loss of the locally listed building and the impact upon the character and appearance of the Copsewood Estate Area of Special Local Character is acceptable in terms of the NPPF (March 2012) and Policies BE5, BE6 and BE8 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7.04 Airport safeguarding

No airport safeguarding issues are raised by this application.

7.05 Impact on the green belt

The application site does not form part nor is it sited close to the Green Belt so that no Green Belt issues are raised by this application.

7.06 Environmental Impact

This is dealt with in Section 7.14 below.

7.07 Impact on the character & appearance of the area

The impact of a very similar proposal for a new replacement house was considered by the previous appeal inspector (30779/APP/2010/1107), which included a basement level with rear light wells.

The inspector considered that the house which would be timber framed and mimic the existing house in terms of scale, proportion and design would contribute positively to the character and appearance of the Copsewood Estate Area of Special Local Character.

Specifically as regards the basement and light wells, the Inspector stated at Paragraph 28:

28. With regard to the scheme before me, I consider that there would be limited underground engineering works and the only external features would be steps and balustrading. These would not be visible from public viewpoints having regard to their location and the significant tree cover around the site. I therefore consider that the light wells would not appear as alien features within the CEASC. I conclude that the basement for the proposal would not result in material harm to the character and appearance of the area and that in this respect, it would not be contrary to Policies BE5, BE13 and BE19 of

the UDP.'

Given this previous assessment, it is considered that no objections can be raised to the current almost identical scheme in terms of the character and appearance of the area.

7.08 Impact on neighbours

As the proposed building would largely replace the existing building with one of a similar siting, scale, design and siting of windows, with the principal difference between the two being the installation of a basement, there would be no additional adverse impact upon the amenities of adjoining residents as compared to the current situation. As such, the proposal would comply with Policies BE20, BE21 and BE24 of the adopted Hillingdon Local Plan Saved Policies (November 2012).

7.09 Living conditions for future occupiers

The London Plan (July 2011), within Table 3.3 establishes minimum floor space standards for types of residential property. A three storey, 4 bedroom, 6 person house would require a minimum floor area of 113sqm. The proposed house, excluding the integral garage and basement would have an internal floor area of 244sqm. which increases to over 350sqm if the basement is included. This would satisfy the Mayor's guidance. Furthermore, it is considered that all the habitable room windows, including a basement staff bedroom window, which would be served by a rear light well would have adequate outlook and natural lighting.

The proposed house would also have a rear garden area in excess of 500m² which greatly exceeds the minimum 100m² advocated by paragraph 4.15 of the above guidance. However, although the Inspector on the appeal on the previous application (30779/APP/2010/1108) considered that the space would be dominated and shadowed by trees so that it would not be sufficiently usable, the inspector on the later application for a new house on the adjoining site (67012/APP/2011/2712) made the specific following comments relating to the reduced size of rear garden at Oakhurst at paragraphs 15, 16, 17 and 18 of their decision letter dated 14/11/12:

- '15. The rear garden to Oakhurst has a southern aspect, is relatively generous in size, and would continue to provide an appropriate setting for Oakhurst. A number of trees on the appeal site and within the curtilage of Oakhurst are protected by a Tree Preservation Order, including an oak tree (T29) situated within the retained rear garden of Oakhurst. This tree occupies a broadly central position within the garden, Its crown has been lifted to a height above the roof of the dwelling providing the rear garden with an open, spacious, suburban character.
- 16. At the time of my visit, on a sunny day, the tree cast a dappled shade on the ground. Due to the open nature of the crown and its height above ground, much of the garden was in sunlight. Although this tree is a prominent feature within the garden, most of the garden is laid to lawn, and it is not unduly dominated by trees and shrubs. There is adequate useable amenity space for the usual recreational activities associated with the family occupation of a large dwelling, I believe that many people would consider the tree to be an attractive feature that adds to the character of the garden.
- 17. The relationship between the tree and the dwelling at Oakhurst would be unchanged by the proposal, in that the principal rooms of the dwelling would continue to face towards tree T29. In addition, the oak tree (T28 on the TPO) on the boundary with the appeal site is in decline, and it is proposed to fell it. This would further open up the rear garden of Oakhurst. I am satisfied that Oakhurst retains an adequate useable rear garden.

18. The previous inspector considered that 'the tree would result in a significant level of overshadowing of the amenity area, particularly that which is closest to the house during the months when the tree is in leaf.' At the time of my visit the tree was in leaf and I was able to observe the open nature of its canopy, which is noticeably less dense by comparison with many other oak trees. Moreover, at the time of the previous appeal, the fence between the appeal site and Oakhurst was not positioned on the boundary line, and I am told that there was an extensive area of dense vegetation close to the rear elevation of the dwelling. As a consequence, the garden to Oakhurst would have appeared smaller in size. For these reasons, I have reached a different conclusion from the previous inspector with regard to the ability of the retained garden to Oakhurst to provide adequate useable amenity space.'

Given this appeal decision, no further objections cab be sustained as to the adequacy of the retained rear garden at Oakhurst in terms of Policy BE23 of the Hillingdon Local Plan.

7.10 Traffic impact, car/cycle parking, pedestrian safety

No objections were previously raised by the LPA or the previous inspector in considering this aspect of the previous proposal. Although the integral garage, with an internal width of 2.6m would be less than the 3.0m width required by guidance, the proposal would provide adequate off-street parking on the hardstanding for two cars which would be served from the access at the side of the site. The Council's Highway Engineer raises no objections to the proposal, subject to a condition requiring pedestrian visibility splays. As such, the scheme complies with Policy AM14 of the adopted Unitary Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.11 Urban design, access and security

This is dealt with at Sections 7.01, 7.03 and 7.09 above.

7.12 Disabled access

The Council's Access Officer has inspected the plans and advised that compliance with Lifetime homes standards could be achieved by means of a suitably worded condition. An additional condition would also be needed to ensure access to the property. These are recommended.

7.13 Provision of affordable & special needs housing

This is not relevant to this application.

7.14 Trees, Landscaping and Ecology

Policy BE38 of the Hillingdon Local Plan, Saved Policies advises that new development should retain topographical and landscape features of merit and that new planting and landscaping should be provided when necessary.

The inspector in dealing with the previous schemes for a replacement dwelling on this site and a new house of similar design on the adjoining site (30779/APP/2010/1108 and 67012/APP/2010/1107 refer respectively) noted that the protected Oak tree T29 was a large and impressive tree that made an important contribution to the verdant character and appearance of the area. It was considered that the subdivision of the plot would result in indirect pressure to remove or substantially reduce this tree which the LPA would find difficult to resist.

However, the inspector in considering the most recent application for a new house at the side of Oakhurst (67012/APP/2011/2712) reached a different view. In paragraph 20, the inspector states:-

'I have found that tree T29 [in paragraphs 15 to 19 on their decision letter - see Section 7.09] would not unduly dominate the garden to Oakhurst, and therefore I am satisfied that

the Council would be able to resist proposals to fell or substantially reduce it. Therefore the proposal would not harm the character and appearance of the surrounding area or the Copsewood Estate Area of Special Character.'

On this basis, the Council's Tree and Landscape Officer does not raise any further objection to the scheme and advises that the scheme is acceptable, subject to conditions.

As regards protected species, the previous inspectors raised no particular issues based upon the information presented to them at the time. This application is supported by an Ecological Assessment Report, undertaken in April 2012. This advises that surveys undertaken in 2010 indicated the presence of bats and badgers on the larger Oakhurst site. The site was re-surveyed in April 2012 and this did not identify any setts and the two previously recorded badger setts no longer exist. As regards bats, the previous survey report in 2010 did record fresh pipistrelle droppings in the loft of Oakhurst but only one old dropping was found in April 2012. The report states that the age and number of droppings indicate a night roost used on a very transient basis in the past and it is now unlikely to be considered a roost under current legislation. The report does advise that the removal of the roof should be undertaken under the supervision of a suitably qualified ecologist. The report also advises that the site contains habitat suitable to support a range of breeding birds, so that works likely to affect them should be undertaken outside of the breeding season. Habitat is also well connected to the wider landscape and suitable for dormouse but the lack of species records in the area makes their presence unlikely and habitat is suitable for common species of reptiles such as slow worm. The report recommends various mitigation measures for the various species.

The Council's Sustainability Officer advises that ecological matters have been discussed on the neighbouring site previously. In particular, the officer advises that protected species are known to use the supporting vegetation in the area and it was agreed that this would remain as part of the neighbouring application so that it now cannot be lost as part of this application and a condition is recommended to safeguard the ecological interest of the site.

7.15 Sustainable waste management

This application is for a replacement house within its own curtilage. As such, there is no requirement for specific provision for the storage of waste and recycling to be identified on the plans.

7.16 Renewable energy / Sustainability

A condition is attached to ensure that Code 4 of Sustainable Homes standards would be achieved.

7.17 Flooding or Drainage Issues

A sustainable drainage condition has been attached.

7.18 Noise or Air Quality Issues

This scheme for a replacement house raises no implications for noise or air quality.

7.19 Comments on Public Consultations

The issue raised in the individual response to the public consultation is dealt with in the main report.

7.20 Planning Obligations

As the proposed scheme would not breach the threshold of a net increase of 6 habitable rooms, there would be no requirement for a S106 contribution to make provision for education provision in accordance with Policy R17 of the adopted Hillingdon Local Plan: Saved UDP Policies (November 2012).

7.21 Expediency of enforcement action

No enforcement issues are raised by this site.

7.22 Other Issues

There are no other issues raised by this application.

8. Observations of the Borough Solicitor

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

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

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

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

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

9. Observations of the Director of Finance

10. CONCLUSION

Previous inspector's decisions on this and the adjoining site suggest that a further objection to the demolition of Oakhurst and the principle of this development could not be sustained at appeal.

Although the loss of Oakhurst is regrettable and the replacement house, being new build would have no intrinsic historic interest, it would faithfully mimic the siting, scale and design of Oakhurst, and subject to appropriate materials being used which has been conditioned, it would make a positive contribution to the character and appearance of the Copsewood Area of Special Local Character. It is recommended for approval on this basis.

11. Reference Documents

National Planning Policy Framework (March 2012)

London Plan (July 2011)

Hillingdon Local Plan: Parts 1 and 2 (November 2012)

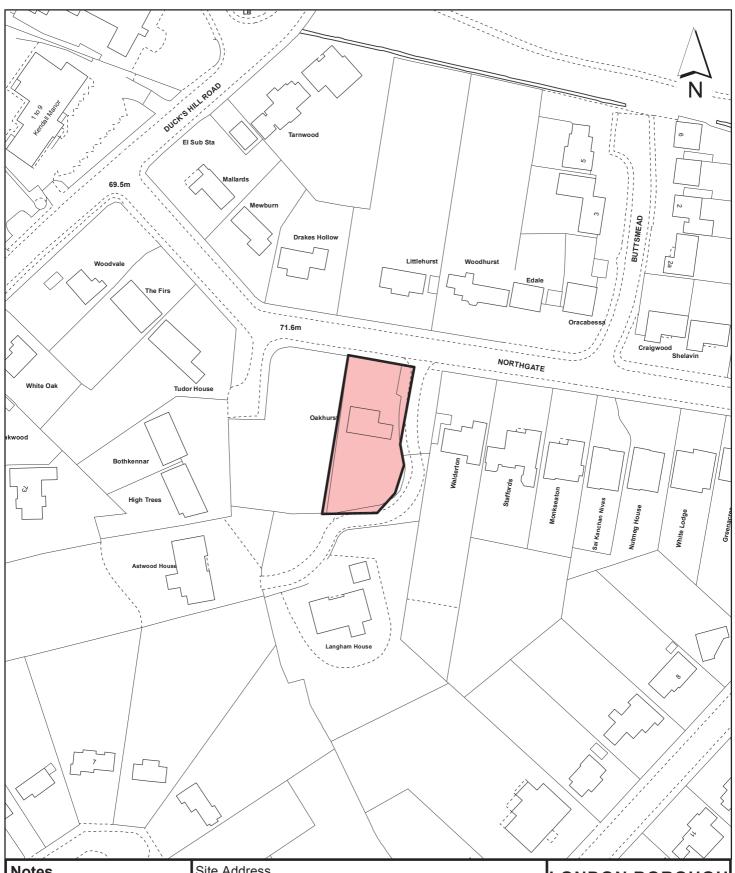
Council's Planning Obligations Supplementary Planning Document, July 2008

HDAS: Residential Layouts HDAS: Accessible Hillingdon

Planning history on this and adjoining sites, in particular inspectors' decision letters dated

3/2/11 and 14/11/12 Consultation Responses

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Notes



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Site Address

Oakhurst 1 Northgate **Northwood**

Planning Application Ref: Scale 1:1,250 30779/APP/2013/539 **Planning Committee** Date **June** North

2013

LONDON BOROUGH OF HILLINGDON

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