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

Address GOSPEL OAK (228) SWAKELEYS ROAD ICKENHAM

**Development:** Three storey building to include 2 x 3-bed, 3 x 2-bed and 2 x 1-bed self

contained flats with associated parking involving demolition of existing

detached dwelling house (Resubmission)

**LBH Ref Nos:** 11246/APP/2013/827

**Drawing Nos:** Location Plan 1:1250

**Design and Access Statement** 

Arboricultural Report Unileateral Undertaking

2435 1640-1 1640-2 1640-3 Rev H 1640-4 Rev F 1640-5 Rev D

 Date Plans Received:
 04/04/2013
 Date(s) of Amendment(s):
 04/04/2013

 Date Application Valid:
 09/04/2013
 11/07/2013

### 1. SUMMARY

The application is a resubmission 0f a refused application for flats. The proposals are for the demolition of the existing detached dwelling at the site and the erection of a detached, three storey building (including loft space), containing seven self-contained flats. The flats within the building would be composed of 2 x 1 bedroom flats, 3 x 2 bedroom flats, 2 x 3 bedroom flats.

The application is a resubmission of application reference 11246/APP/2012/1575 which was refused on 9th October 2012 for the erection of a block of 9 flats (4 no. one-bedroom and 5 no. two-bedroom) with associated parking and amenity space after the demolition of the existing building. This application was refused on the grounds of design, overdevelopment of the site, failure to comply with the Lifetime Homes Standards and failure to provide a contribution towards educational facilities in the surrounding area.

The amended design is considered to have successfully reduced the overall bulk of the building and ensures it would have an acceptable impact on the visual amenities of the surrounding area. The amended plans show the development would be in accordance with the Lifetime Homes Standards and a unilaterial undertaking has been submitted for the required education contribution. Therefore, the previous reasons for refusal have been overcome and the application 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 1640-3 Rev H, 1640-4 Rev F & 1640-5 Rev D 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 RES5 General compliance with supporting documentation

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Lifetime Homes Standards [1640-3 Rev H & 1640-4 Rev F] Refuse and Recycling Storage [1640-3 Rev H] Car Parking Spaces [1640-3 Rev H] External Amenity Space [1640-3 Rev H]

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

### REASON

To ensure that the development complies with the objectives of Policies AM13, AM14, BE13, BE19 & BE23 of the Hillingdon Local Plan and Policy 3.8 of the London Plan (July 2011).

### 4 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

### 5 RES7 Materials (Submission)

No development shall take place until details of all materials and external surfaces, including details of balconies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance

with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

#### REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

### 6 RES8 Tree Protection

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

- 1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.
- 2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details. The fencing shall be retained in position until development is completed. The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

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

### REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with policy BE38 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:

- 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 Cycle Storage (with capacity for 8 bicycles)
- 2.b Means of enclosure/boundary treatments
- 2.c Hard Surfacing Materials
- 2.d External Lighting
- 2.e Other structures (such as play equipment and furniture)
- 3. Details of Landscape Maintenance
- 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
- 3.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
- 4. Schedule for Implementation
- 5. Other
- 5.a Existing and proposed functional services above and below ground
- 5.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) and Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of the London Plan (July 2011).

### 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 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 side walls or roof slopes of the development hereby approved facing No.226 or No.230 Swakeleys Road.

### REASON

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

# 10 RES13 Obscure Glazing

The ground and first floor windows serving the kitchens of flats 1, 2, 3, 5, 6 & 7 facing No.226 or No.230 Swakeleys Road shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

### REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 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. Further 10% of the units hereby approved shall be designed and constructed to be fully wheelchair accessible or easily adaptable for residents who are wheelchair users, as set out in the Council's Supplementary Planning Document 'Accessible Hillingdon'.

### REASON

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

# 14 RES22 Parking Allocation

No unit hereby approved shall be occupied until a parking allocation scheme has been submitted to, and approved in writing by, the Local Planning Authority. The Parking Scheme shall allocate the parking space nearest the bedroom windows of Flat 1 to the occupiers of Flat 1. Thereafter the parking shall remain allocated for the use of the units in accordance with the approved scheme and remain under this allocation for the life of the development.

### REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (July 2011).

# 15 RES23 Visibility Splays - Pedestrian

The access for the proposed car parking shall be provided 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 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

### 16 NONSC Non Standard Condition

Before any part of the development is occupied, site derived soils and imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

### REASON

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with policy OE11 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

### **INFORMATIVES**

# 1 | 152 | Compulsory Informative (1)

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

### 2 | 153 | Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) 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.

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM8	Priority consideration to pedestrians in the design and
	implementation of road construction and traffic management schemes
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.
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.
НЗ	Loss and replacement of residential accommodation
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
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.2	(2011) Minimising Carbon Dioxide Emissions
LPP 5.3	(2011) Sustainable design and construction
LPP 6.9	(2011) Cycling
LPP 6.13	(2011) Parking
LPP 7.3	(2011) Designing out crime
LPP 7.4	(2011) Local character
LPP 7.6	(2011) Architecture

# 3 I59 Councils Local Plan : Part 1 - Strategic Policies

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

# 4 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 I15 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.

## 6 | 12 | 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.

# 7 I24 Works affecting the Public Highway - General

A licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway. This includes the erection of temporary scaffolding, hoarding or other apparatus in connection with the development for which planning permission is hereby granted. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW

# 8 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

# 9 14 Neighbourly Consideration - include on all residential exts

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).

# 10 l45 Discharge of Conditions

Your attention is drawn to conditions 4, 5, 6, 7, 11, 12, 14 which must be discharged prior to the commencement of works. You will be in breach of planning control should you commence these works prior to the discharge of this/these condition(s). The Council may consider taking enforcement action to rectify the breach of this condition(s). For further information and advice contact - Planning & Community Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250230).

# 11 I47 Damage to Verge

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

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).

### 12 | I49 | Secured by Design

The Council has identified the specific security need(s) of the application site to be: (State specific security need(s)).

You are advised to submit details to overcome the specified security need(s) in order to comply with condition X of this planning permission.

(Please Note: This Informative must accompany Condition OM14).

# 13 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:

- (i) carry out work to an existing party wall;
- (ii) build on the boundary with a neighbouring property;
- (iii) 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.

# 14 | 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 application relates to a two storey detached dwelling located on the north western side of Swakeleys Road. The dwelling is set 20 metres back from the road by an area of hard landscaping which provides off-street parking for the occupiers of the property. A detached double garage block is located in front of the principal elevation of the house with a private garden area to the rear.

Opposite the site is a grassed island site with mature trees which forms the junction with Woodstock Drive and Roker Park Avenue. Some 12m to the south of the application site is a planted bed which marks the siting of the Gospel Oak, an ancient tree.

The application site is sited within a dip in the road, with ground levels rising to the north and south. Adjoining the site to the south is No. 230, a detached house which has a narrow frontage onto Swakeleys Road. To the north is No. 226, a large property which appears to be in multiple occupation and has a mature Oak in the front garden on the shared boundary with the application site. Immediately in front of the application site is a bus stop.

The site is covered by Tree Protection Order 621, has a PTAL score of 1 and is situated within a Developed Area as identified in the policies of the Hillingdon Local Plan.

# 3.2 Proposed Scheme

The application seeks Planning Permission for demolition of the existing detached dwelling and the erection of a three storey (including loft space), detached residential building containing 7 flats. The flats within the building would be composed of  $2 \times 1$  bedroom flat,  $3 \times 2$  bedroom flats,  $2 \times 3$  bedroom flats.

The proposed building would have an S-shaped footprint with a maximum depth of 21.1 metres and a maximum width of 18 metres. The building would have a two storey projecting gable in the principal elevation with two bay windows at ground floor level and two small dormer windows in the recessed section of the principal elevation. The roof form of the building would consist of traditional pitched roofs, with a maximum height above ground level of 10 metres.

The land in front of the application site would provide space to park 9 cars, including the provision of one disabled space. A cycle store and bin store would also be provided, with

the bin store screened from view by the 1.8 metre boundary wall on the front boundary line of the site. A section of the front boundary wall would be removed to create a 4.5 metre vehicular access, which would allow cars to exit and enter the site at the same time.

To the rear of the building would be a communal garden area which would provide shared amenity space for the occupiers of the proposed flats.

# 3.3 Relevant Planning History

11246/APP/2006/2986 228 Swakeleys Road Ickenham

ERECTION OF A TWO-STOREY SIDE AND FRONT EXTENSION, FRONT PORCH, PITCHED ROOF OVER EXISTING FLAT ROOFED EXTENSION, AND DETACHED GARAGE IN FRONT GARDEN

Decision: 18-12-2006 Approved

11246/APP/2012/1575 Gospel Oak (228) Swakeleys Road Ickenham

Erection of a block of 9 flats (4 no. one-bedroom and 5 no. two-bedroom) with associated parking and amenity space (involving demolition of existing house)

Decision: 09-10-2012 Refused

11246/F/89/1844 228 Swakeleys Road Ickenham

Erection of a two storey side extension and single storey front extension forming a double

garage

Decision: 03-04-1990 Approved

11246/G/93/0179 228 Swakeleys Road Ickenham

Erection of a single storey rear extension

**Decision:** 15-03-1993 Approved

11246/L/99/0230 228 Swakeleys Road Ickenham

Erection of a two storey front and side extension, front porch, pitched roof over existing flat roof

extension at side and detached garage

Decision: 18-03-1999 Refused

11246/M/99/1125 228 Swakeleys Road Ickenham

Erection of a two storey front and side extension, front porch, pitched roof over existing flat

roofed extension and detached garage

Decision: 02-08-1999 Refused

11246/N/99/1927 228 Swakeleys Road Ickenham

Erection of a two storey side and front extension, front porch, pitched roof over existing flat roofed extension and detached garage in front garden

**Decision:** 30-11-1999 Approved

# **Comment on Relevant Planning History**

The application is a resubmission of application reference 11246/APP/2012/1575 which was refused on 9th October 2012 for the erection of a block of 9 flats (4 no. one-bedroom and 5 no. two-bedroom) with associated parking and amenity space after the demolition of the existing building.

This application was refused on the following grounds:

- 1. The proposed development, by reason of its excessive density, scale, bulk and design, would result in the over-development of the site and a cramped form of development that would appear as an incongruous addition within the street scene. The proposal therefore fails to harmonise with spacious character of the surrounding area and would be detrimental to the visual amenities of the street scene, contrary to Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3.4, 3.5, 7.1, 7.4 and 7.6 of the London Plan (July 2011) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.
- 2. The scheme fails to satisfy 'Lifetime' homes standards, contrary to policy 3.8 of the London Plan (July 2012) and the Council's Supplementary Planning Guidance 'Accessible Hillingdon', January 2010.
- 3. The development is estimated to give rise to a number of children of school age and additional provision would need to be made in the locality due to the shortfall of places in schools serving the area. Given that a legal agreement at this stage has not been offered or secured, the proposal is considered to be contrary to Policy R17 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the adopted London Borough of Hillingdon Planning Obligations Supplementary Planning Document (July 2008).

In order to overcome these previous reasons for refusal, the applicant has entered into pre-application discussions and the scheme has been reduced to 7 flat scheme with a design which is considered to have an acceptable impact on the visual amenities of the surrounding area. Furthermore, a unilateral undertaking has been submitted and approved by the Council's legal service team for the payment of the education contribution and the design is now considered to comply with the Lifetime Homes Standards.

### 4. Planning Policies and Standards

No additional planning policies or standards for consideration.

### **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:

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM8	Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
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.
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	Deguires the previous of adequate amonity and
DEZS	Requires the provision of adequate amenity space.
BE24	Requires the provision of adequate amenity space.  Requires new development to ensure adequate levels of privacy to neighbours.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.  Retention of topographical and landscape features and provision of new planting
BE24 BE38	Requires new development to ensure adequate levels of privacy to neighbours.  Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE24 BE38 H3	Requires new development to ensure adequate levels of privacy to neighbours.  Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.  Loss and replacement of residential accommodation  Protection of the character and amenities of surrounding properties and the local
BE24 BE38 H3 OE1	Requires new development to ensure adequate levels of privacy to neighbours.  Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.  Loss and replacement of residential accommodation  Protection of the character and amenities of surrounding properties and the local area  Use of planning obligations to supplement the provision of recreation, leisure and
BE24 BE38 H3 OE1 R17	Requires new development to ensure adequate levels of privacy to neighbours.  Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.  Loss and replacement of residential accommodation  Protection of the character and amenities of surrounding properties and the local area  Use of planning obligations to supplement the provision of recreation, leisure and community facilities  Residential Layouts, Hillingdon Design & Access Statement, Supplementary
BE24 BE38 H3 OE1 R17 HDAS-LAY	Requires new development to ensure adequate levels of privacy to neighbours.  Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.  Loss and replacement of residential accommodation  Protection of the character and amenities of surrounding properties and the local area  Use of planning obligations to supplement the provision of recreation, leisure and community facilities  Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006  Accessible Hillingdon, Local Development Framework, Supplementary Planning
BE24 BE38 H3 OE1 R17 HDAS-LAY LDF-AH	Requires new development to ensure adequate levels of privacy to neighbours.  Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.  Loss and replacement of residential accommodation  Protection of the character and amenities of surrounding properties and the local area  Use of planning obligations to supplement the provision of recreation, leisure and community facilities  Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006  Accessible Hillingdon, Local Development Framework, Supplementary Planning Document, adopted January 2010
BE24 BE38  H3 OE1 R17 HDAS-LAY LDF-AH LPP 3.4	Requires new development to ensure adequate levels of privacy to neighbours.  Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.  Loss and replacement of residential accommodation  Protection of the character and amenities of surrounding properties and the local area  Use of planning obligations to supplement the provision of recreation, leisure and community facilities  Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006  Accessible Hillingdon, Local Development Framework, Supplementary Planning Document, adopted January 2010  (2011) Optimising housing potential
BE24 BE38 H3 OE1 R17 HDAS-LAY LDF-AH LPP 3.4 LPP 3.5	Requires new development to ensure adequate levels of privacy to neighbours.  Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.  Loss and replacement of residential accommodation  Protection of the character and amenities of surrounding properties and the local area  Use of planning obligations to supplement the provision of recreation, leisure and community facilities  Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006  Accessible Hillingdon, Local Development Framework, Supplementary Planning Document, adopted January 2010  (2011) Optimising housing potential  (2011) Quality and design of housing developments
BE24 BE38  H3 OE1 R17 HDAS-LAY LDF-AH LPP 3.4 LPP 3.5 LPP 3.8	Requires new development to ensure adequate levels of privacy to neighbours.  Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.  Loss and replacement of residential accommodation  Protection of the character and amenities of surrounding properties and the local area  Use of planning obligations to supplement the provision of recreation, leisure and community facilities  Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006  Accessible Hillingdon, Local Development Framework, Supplementary Planning Document, adopted January 2010  (2011) Optimising housing potential  (2011) Quality and design of housing developments  (2011) Housing Choice

LPP 5.3	(2011) Sustainable design and construction
LPP 6.9	(2011) Cycling
LPP 6.13	(2011) Parking
LPP 7.3	(2011) Designing out crime
LPP 7.4	(2011) Local character
LPP 7.6	(2011) Architecture

# 5. Advertisement and Site Notice

- **5.1** Advertisement Expiry Date:- Not applicable
- **5.2** Site Notice Expiry Date:- Not applicable

### 6. Consultations

### **External Consultees**

Site Notice: Erected 22nd April 2013.

Press Advertisement: Not applicable.

4 neighbouring occupiers and the Ickenham Residents Association were notified of the proposed development by way of letter on 11th April 2013. By the close of the consultation period, 3 neighbouring occupiers and the Ickenham Residents Association had returned objections to the proposed development. These objections were on the following grounds:

- i) Harm to the character and appearance of the area, including the creation of additional parking in front of the dwelling and the bin stores being adjacent the front boundary wall;
- ii) Reduction in the garden size to the rear of the building;
- iii) Increased traffic and congestion prejudicing the free flow of traffic, with consideration of the adjacent bus stop and traffic backing up from Swakeley's roundabout;
- iv) Overdevelopment of the site:
- v) Loss of privacy to occupiers of adjoining properties;
- vi) Harm to highway safety and the safety of residents of the nearby sheltered housing during construction works;

Points i) - v) will be considered in the main body of the report. With regards to point vi) the impact to neighbouring occupiers during construction works does not form a material planning consideration in the determination of the application. The level of construction traffic anticipated in a development such as this would be only a few additional vehicles each day. Therefore, the level of harm to traffic congestion would be considered acceptable.

### **Internal Consultees**

S106 OFFICER:

The only planning obligation required for this development is an Education Contribution which has been calculated to £10,870.

HIGHWAYS OFFICER:

The development proposals are for the demolition of the existing dwelling and the construction of 7

No. 1, 2 and 3 bedroom apartments at the site. As part of the proposals 9 car and 8 cycle parking spaces will be provided. Additionally, the existing access to the site will be widened form 3.65m to 4.5m to allow two vehicles to pass side by side when entering/existing the site.

When undertaking assessment of the development it is noted that the PTAL index within the area of the site is 1b, which is classified as poor. However it is noted that there are bus stops and shelters located direct adjacent to the site. As a result, the proposed parking provision is considered acceptable in this instance.

Therefore, it is considered that the development would not be contrary to the adopted Hillingdon Local Plan, 2012, (Part 2) and an objection is not raised in relation to the highway aspect of the proposals subject to the following details being made conditional to the planning consent.

- 1. Access for the proposed car parking shall be provided 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.
- 2. Prior to commencement of the development, details of the cycle storage facilities for the provision of 8 cycles shall be submitted and approved in writing by the Local Planning Authority.

#### TREES AND LANDSCAPE OFFICER:

Tree Preservation Order (TPO) / Conservation Area: This site is covered by TPO 621.

Significant trees / other vegetation of merit in terms of Saved Policy BE38: There are two mature protected Oaks (T3 and T4 on TPO 621) close to the front (southern) boundary of the site. These trees form a group with two other protected Oaks (T1 and T2 on TPO 621) which are situated in the neighbouring front garden (at No. 230). There is another protected Oak (T7 on TPO 621) in the neighbouring garden at No. 226, which is situated closer to the houses and set behind a non-protected Hawthorn and a protected Norway Maple (T6 on TPO 621).

The protected Maple and four protected Oaks significantly contribute to the amenity and arboreal character of the area and have high and very high amenity values respectively. The trees in the rear garden do not constrain development.

The tree report that has been submitted to support the application provides adequate protection for the important trees on-site.

Scope for new planting (yes/no): This matter can be dealt with by condition.

Does scheme conform to HDAS (yes/no): The proposed parking provision within the front 'garden' of the development does not appear to comply with the Council's design guidelines which seek to retain 25% of the area as 'soft' landscape.

Does scheme conform to SUDS (yes/no): Permeable block paving is proposed for the front of the site.

Recommendations: The tree report is adequate, some amendments should be made to the landscaping scheme to address the following points:

1. If the existing (high) boundary wall is to be retained, then the location of the proposed bin store is satisfactory (in this case) because it will be screened from public view. However, if the boundary wall is to be removed, then the bin store should be moved further away from the highway and / or

should be hidden behind soft landscaping.

- 2. The location of the bike store is not ideal. It is well away from the building and bike owners may have concerns regarding security. Could the bike store be located closer to the building, or preferably within the rear garden?
- 3. The manoeuvring space between parked cars appears to be wider than the required 6.00metres. This width should be reduced and more space provided for planting beds along the side boundaries (ideally plant bed widths of approximately 1.00 metre should be provided). This would support the planting of 'structure planting' in the form of wall shrubs, or hedging.

Conclusion (in terms of Saved Policy BE38): Acceptable, subject to conditions RES8 (implementation), RES9 (1, 2, 4, 5, 6) and RES10.

Case Officer Comments: The existing wall is to be retained, which will sufficiently screen the bin stores from the public domain. The location of the bike store will not be prominent from the public domain and the details of the bike store will be required by condition. The land in front of the dwelling is already covered in hardstanding and used for parking with some soft landscaping being introduced as part of the proposal. Therefore, the continued of this land as parking is considered acceptable.

### CONSERVATION AND URBAN DESIGN:

This is currently a two storey house, with a single storey garage adjacent, built forward of the building line. The property is barely noticeable in the streetscene behind the front walls and mature trees in the front garden.

An application for 9 flats and 11 parking spaces was refused, inter alia, on grounds of its design being overbearing in the streetscene. Since then, a pre-application meeting has been held with the architect for a scheme comprising 7 flats and 9 parking spaces. The front gable has been reduced in size, the oculus and two storey bay window removed and the roof pitch raised to 40 degrees and fenestration altered so that the overall architectural style is more coherent. At the rear, the huge glazed gable has been in size and replaced with a hip and dormer.

There is no doubt that this would be a very large redevelopment of the site. However, now that the design has been reduced in size and simplified, the impression of bulk and scale has been reduced. Nevertheless, the retention of the front wall, and a mature planting scheme will be essential to soften the impact of this development.

Recommendation: Acceptable.

### **ENVIRONMENTAL PROTECTION UNIT:**

No specific former contaminative use has been identified. As a number of sensitive receptors will be introduced to the site, please ensure as a minimum the following imports/landscaping condition is included to ensure the soil is suitable for use in garden and landscaping areas, if a standard contaminated land condition may be too onerous.

It is recommended that the standard condition relating to imported soils be imposed.

### ACCESSIBILITY OFFICER:

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.

The proposal includes one accessible parking space which abuts a paved area leading to the main entrance. This is shown to provide level access into a common hallway. Lift access appears to have been provided, however the plans do not actually specify that a lift would be installed.

The following observations should be incorporated into revised plans:

- 1. A minimum of one bathroom within each flat should be designed in accordance with Lifetime Home standards. At least 700mm should be provided to one side of the WC, with 1100 mm provided between the front edge of the toilet pan and a door or wall opposite.
- 2. Plans should be amended to confirm that lift access would be provided.

Conclusion: No objection would be raised provided the above observations are incorporated into revised plans prior to any grant of planning permission.

Case Officer Comments: The applicant has submitted amended plan clarifying that a lift would be provided within the flats and showing the bathrooms design being in accordance with Lifetime Homes Standards.

### 7. MAIN PLANNING ISSUES

### 7.01 The principle of the development

Paragraph 17 of the National Planning Policy Framework states that one of the core principles of the document is the "effective use of land by reusing land that has been previously developed (brownfield land)."

Policy H3 of the Hillingdon Local Plan states that the loss of residential accommodation will only be permitted if it is replaced within the boundary of the site. An increase in residential accommodation will be sought.

The development proposes the demolition of the existing family dwelling and the erection of a three storey building containing 7 flats. The development is considered an acceptable reuse of a brownfield site and would represent an increase in residential accommodation, in accordance with the NPPF and Policy H3 of the Hillingdon Local Plan (November 2012). Therefore, the development is considered acceptable in principle.

### 7.02 Density of the proposed development

Policy 3.4 of the London Plan (July 2011) requires a development in a suburban area with a PTAL score of 1 to have density score of between 35 - 55 unit per hectare and 150 - 200 habitable rooms per hectare.

The proposed development would have a density of 244 habitable rooms per hectare and 60 habitable rooms per hectare. Whilst the density is slightly above the recommended density ranges, density is only an indicator of acceptability. Given that an acceptable internal floor area, external amenity space and car parking is provided for each flat and that the development is considered to have an acceptable impact on the visual amenities of the surrounding area, the development is considered acceptable and not an overdevelopment of the site.

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

Not applicable to this application.

# 7.04 Airport safeguarding

There are no airport safeguarding concerns resulting from the proposed development.

# 7.05 Impact on the green belt

Not applicable to this application.

# 7.07 Impact on the character & appearance of the area

The previous application at the site was refused due to its excessive density, scale, bulk and design, which would have resulted in the over-development of the site and a cramped form of development that would have appeared as an incongruous addition within the street scene.

Since this refusal the applicant has entered into pre-application discussions with regard to the proposal. The development has now been reduced to 7 flats, the front gable has been reduced in size, the oculus and two storey bay window removed, the roof pitch raised to 40 degrees and fenestration altered so that the overall architectural style is more coherent. At the rear, the huge glazed gable has been reduced in size and replaced with a hip and dormer.

The Conservation and Urban Design officer has reviewed the amended design and considers that the reduced size and simplified design has reduced the impression of bulk and scale to an extent that would ensure the development would have an acceptable impact on the visual amenities of the surrounding area. Therefore, the development is considered to comply with Part 1 Policy BE1 and Part 2 Policies BE13 & BE19 of the Hillingdon Local Plan (November 2012).

# 7.08 Impact on neighbours

The application site is flanked to the north by No.230 Swakeleys Drive, a large detached building in multiple occupation and to the south by No.226 Swakeleys Drive a detached family dwelling.

On the boundary at No. 226 which is 0.5m - 0.7m higher ground as compared to the application site, is a garage with a large swimming pool enclosure behind which extends into the rear garden. There are no habitable room windows within this side elevation that would be adversely affected by the proposal. No. 230 has an attached garage on the boundary adjoining the application site and the side elevation of the property does not contain any windows. The proposed development would not encroach upon the 45 degree sightline from windows in the rear elevation of each of these neighbouring properties. Therefore, the development is considered to have an acceptable impact on the residential amenity of occupiers of these neighbouring dwellings in terms of loss of light, loss of outlook and overshadowing, in accordance with Policies BE20 & BE21 of the Hillingdon Local Plan (November 2012).

There are two properties that front Highfield Drive which adjoin the application site at the rear. No. 51 Highfield Drive is raised above the rear garden level of the application site by some 0.5m - 0.7m level. The nearest proposed window in the rear elevation of the proposed block would be sited some 25m from the nearest part of the rear elevation of No. 53. This distance is adequate to ensure that the proposal would be sufficiently remote from this neighbouring property to ensure that the minimum 15m and 21m distances recommended by the Council's Design Guide 'Residential Layouts' would be satisfied to ensure the proposal did not appear unduly dominant or result in an unacceptable loss of privacy from the property or its 3m deep patio area. The ground is more level in the rear garden of No. 53, but the separation distance between this neighbouring property and the

rear elevation of the proposal would be in excess of 24m, which again satisfies design guidance. There are also many mature trees and shrubs along the rear boundary that would assist in the screening of the proposal from these neighbouring properties, particularly in the summer months when gardens are more intensively used. Therefore, the development is considered to comply with Policy BE24 of the Hillingdon Local Plan (November 2012).

# 7.09 Living conditions for future occupiers

### INTERNAL FLOOR AREAS

Policy 3.5 of the London Plan (July 2011) provides minimum internal floor area which dwellings are required to adhere to, in order to provide an acceptable standard of living to future occupiers.

Each of the flats would meet the minimum floor space standards of Policy 3.5 of the London Plan. The flats which are closest to the minimum standard are flats 2 & 6, which are one bedroom flats with an internal floor area of 50.4 square metres against a standard of 50 square metres for a 1 bedroom 2 person flat.

### EXTERNAL AMENITY SPACE

The HDAS Residential Layouts requires 1 bedroom, 2 bedroom and 3 bedroom flats to be provided with at least 20, 25 and 30 square metres of garden space respectively. Therefore, the 2 x 1 bedroom, 3 x 2 bedroom and 2 x 3 bedroom flats would be required to be provided with 175 square metres of external amenity space. The plans show that a communal garden would be provided with 280 square metres of communal garden space for the occupiers of the flats, in accordance with Policy BE23 of the Hillingdon Local Plan (November 2012) and HDAS Residential Extensions.

### PRIVACY

The plans indicate that landscaping and boundary treatments would be used to the rear of the building to ensure the privacy of the occupiers of the ground floor flats at the rear of the building (flats 1 and 3) would be retained from users of the communal garden. Subject to conditions relating to landscaping plans and boundary treatments, the privacy of the occupiers of these dwellings is considered to be secured.

The plans also show that landscaping would be used between the footways in front of the principal elevation and habitable room windows of flats 1 and 2 in order to ensure other users of the site would not be able to stand directly in front of these flats and look into the habitable rooms. The relationship between flat 1 and the parking space directly in front of the bedroom windows of this flat would be considered acceptable as long as this would be secured by way of parking allocation condition.

### DAYLIGHT AND OUTLOOK

It is considered that all the proposed habitable rooms, and those altered by the development, would have an adequate outlook and source of natural light, therefore complying with Policies BE20 of the Hillingdon Local Plan and Policy 3.5 the London Plan (2011).

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

### TRAFFIC IMPACT

A number of neighbouring occupiers have objected to the proposed development, due to the existing congestion which occurs on Swakleys Road and the further harm the development may have on this congestion. The highways officer has reviewed the proposal and raised no objection in terms of traffic generation. The applicant has submitted amended plans in order to expand the width of the vehicle access point into the site to 4.5 metres. This would allow two cars to pass when one enters and one exits the site, removing any requirement for cars to have to wait in the highways when entering the site at the same time as another resident is exiting. The neighbouring occupiers have also noted the proximity of the site to the adjacent bus stop. Whilst buses waiting at the bus stop may cause issues with the free flow of traffic, this would occur if the development was granted consent or not. The key issue relates to whether the development would cause further harm in this regard and the highway officer raises no objection to the development in this regard. Therefore, the development is considered to comply with Policy AM2 of the Hillingdon Local Plan (November 2012).

### **CAR PARKING**

The development proposes the creation of 9 car parking spaces to service the 7 flats. The highways officer has reviewed the proposal and considers that the provision of more than 1 space per flat is acceptable in this location and in accordance with Policy AM14 of the Hillingdon Local Plan (November 2012) and the Council's adopted car parking standards.

### CYCLE STORAGE

The submitted block plan shows the creation of a cycle store with space for 8 bicycles. This provision is considered acceptable given the scale of the development.

# 7.11 Urban design, access and security

### SECURITY

The proposed development will be required to meet the principles of Secure By Design. The development proposes the creation of a communal bike store in front of the building. The details of this bike store will be secured by condition and the details shall show how individual cycle stores will be provided for each flat.

# 7.12 Disabled access

The Accessibility Officer raised a concern relating to the design of the bathrooms within each flat and also sought confirmation that the drawings did show the provision of lift within the building. Amended plans have been submitted to show in detail that the bathrooms in each flat would be compliant with the Lifetime Homes Standard and also confirming that a lift is being provided within the flat block. Therefore, the development is considered to comply with Policy 3.8 of the London Plan (July 2011).

# 7.13 Provision of affordable & special needs housing

Not applicable to this application as less than 10 dwellings are being created.

### 7.14 Trees, Landscaping and Ecology

The Trees and Landcaping Officer sought an amendment to the parking layout to provide more landscaping on the land in front of the building. This land is currently all hardstanding and is used as parking by the occupiers of the current dwelling. The plans show that an area of soft landscaping would be provided around the parking area,

resulting in an enhancement of the current appearance of the site.

There are protected Maple and four protected Oaks within the rear garden of the site, which significantly contribute to the amenity and arboreal character of the area and have high and very high amenity values. These trees would be retained as part of the proposal and the development is considered to have an acceptable impact in terms of impact to the arboreal character, in accordance with Policy BE38 of the Hillingdon Local Plan.

# 7.15 Sustainable waste management

The plans show the location of a bin store adjacent the front boundary of the site. This would be located in a location suitable for the collection of refuse and would be of sufficient capacity for the number of residential units being proposed. This bin store would be located behind the existing front boundary wall of the site and would have an acceptable impact on the visual amenities of the surrounding area.

# 7.16 Renewable energy / Sustainability

No details have been submitted as part of the application with regards to renewable energy or sustainability. Subject to a condition requiring each unit to be built up to Code for Sustainable Homes Level 4, the development is considered to comply with Policy 5.1 and 5.2 of the London Plan (July 2011).

### 7.17 Flooding or Drainage Issues

Not applicable to this application.

# 7.18 Noise or Air Quality Issues

No noise or air quality issues required for consideration.

# 7.19 Comments on Public Consultations

No further comments with regards to the public consultation or the responses received.

# 7.20 Planning Obligations

The applicant has submitted a unilateral undertaking for the required sum of £10,870 which has been checked and approved by the Council's Legal Services team.

### 7.21 Expediency of enforcement action

None required.

# 7.22 Other Issues

No further issues for consideration.

### 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

The amended design is considered to have successfully reduced the overall bulk of the building to an extent which ensures it would have an acceptable impact on the visual amenities of the surrounding area. The amended plans show the development would be in accordance with Lifetime Homes Standards and a unilateral undertaking has been submitted for the required education contribution. Therefore, the previous reasons for refusal have been overcome and the application is recommended for approval.

### 11. Reference Documents

Hillingdon Local Plan (November 2012);

The London Plan (July 2011);

National Planning Policy Framework;

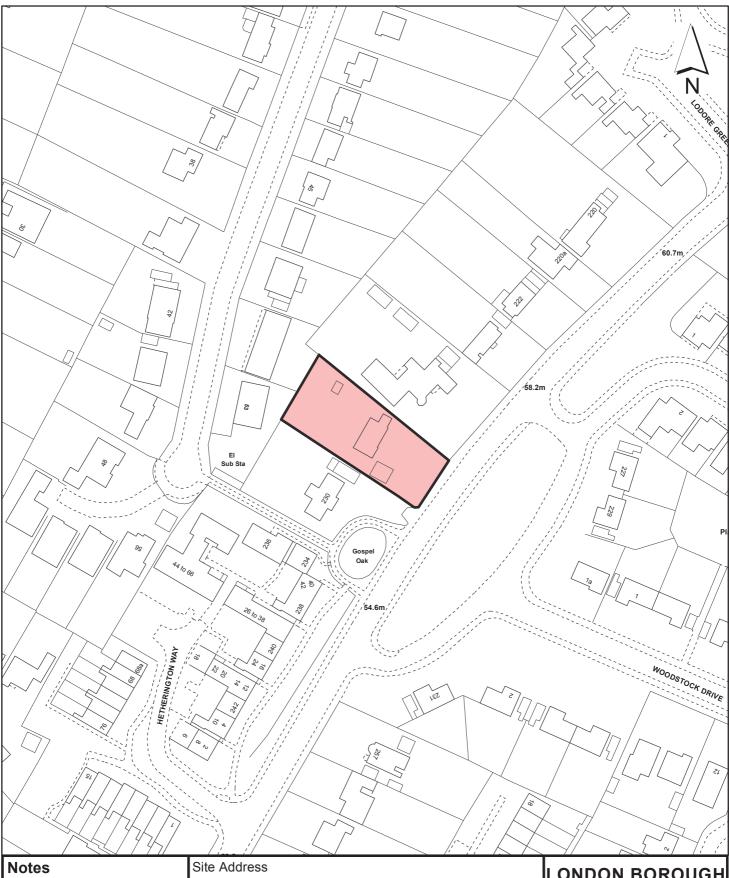
Hillingdon Supplementary Planning Document: Planning Obligations (July 2008) and Revised Chapter 4 (September 2010);

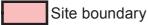
Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006);

Hillingdon Design and Accessibility Statement: Accessible Hillingdon (January 2010);

GLA's Supplementary Planning Guidance - Housing.

Contact Officer: Alex Smith Telephone No: 01895 250230





For identification purposes only.

This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).

Unless the Act provides a relevant exception to copyright.

© Crown copyright and database rights 2013 Ordnance Survey 100019283

# Gospel Oak 228 Swakeleys Road Ickenham

Planning Application Ref:

11246/APP/2013/827

Planning Committee

North

Scale

1:1,250

Date

July
2013

# LONDON BOROUGH OF HILLINGDON

**Residents Services** 

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

