

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

**Address** 135 SWAKELEYS ROAD ICKENHAM

**Development:** Erection of two storey building with habitable roofspace for use as 5 x 2-bed self contained flats with associated parking and amenity space, installation of bin and cycle stores and removal of existing front vehicular crossover

**LBH Ref Nos:** 380/APP/2013/1450

**Drawing Nos:** 130503/03C  
D & A  
130503/08  
130503/04/A  
130503/05/A  
130503/06  
130503/07  
130503/01  
130503/09  
130503/02

**Date Plans Received:** 03/06/2013                      **Date(s) of Amendment(s):** 03/06/2013

**Date Application Valid:** 07/06/2013

### 1. SUMMARY

The proposed scheme has been assessed against the relevant Council policies and the London Plan and it is considered that the proposed increase in size, scale and bulk of the original building would harmonise with the street scene and with the character and amenities of the surrounding residential area.

The proposed on-site parking layout would be accessed via Thornhill Road and is considered acceptable. All other matters relating to landscaping, tree protection and amenity etc. can satisfactorily be achieved on site and controlled by appropriate conditions.

The scale of previous permissions for redevelopment of this site into flats, whilst these have now expired, have also been taken into account and the current proposal, which raises no additional design issues, compares favourably in this regard.

For these reasons, and in terms of the general standard of design presented in the proposal, which takes into account the corner position and nature of the surroundings, the development of this site for flats is considered acceptable.

### 2. RECOMMENDATION

**2.1 That delegated powers be given to the Head of Planning, Culture and Green Spaces to grant planning permission, subject to the following:**

**i) That the Council enters into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or Section 278 of the Highways Act 1980 (as amended) and/ or other appropriate legislation to**

**secure:**

**a) A contribution of £8,628 towards capacity enhancements in local educational establishments made necessary by the development;**

**2.2 That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 Agreement and any abortive work as a result of the agreement not being completed.**

**2.3 That officers be authorised to negotiate and agree the detailed terms of the proposed agreement.**

**2.4 That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised within 6 months of the date of this report, or any other period deemed appropriate by the Head of Planning, Culture and Green Spaces then delegated authority be granted to the Head of Planning, Culture and Green Spaces to refuse the application for the following reason:**

**'The development has failed to secure obligations relating to capacity enhancements in local educational establishments made necessary by the development. Accordingly, the proposal is contrary to policies R17 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), the Council's Planning Obligations SPD.**

**2.5 That subject to the above, the application be deferred for determination by the Head of Planning, Culture and Green Spaces under delegated powers, subject to the completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.**

**2.6 That if the application is approved, the following conditions be imposed:**

**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 130503/01, 130503/02, 130503/03/C, 130503/04/A, 130503/05/A, 130503/06, 130503/07, 130503/08 and 130503/09.

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 facilities have been completed in accordance with the specified supporting plans and/or documents:

Amenity Space [130503/03/C]

Car Parking Space [130503/03/C]

Cycle Store [130503/03/C]

**REASON**

To ensure that the development complies with the objectives of Policies AM9, AM14, BE23 of the Hillingdon Local Plan (November 2012).

**4 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 facing Nos. 133 and 137 Swakeleys Road.

**REASON**

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

**5 RES13 Obscure Glazing**

The first floor bathroom window(s) and all second floor windows (rooflights) facing Nos. 133 and 137 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)

**6 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)

**7 NONSC Vehicular Crossover**

Prior to occupation of the development hereby permitted, the existing vehicular access at the site, on Swakeleys Road, shall be closed, the dropped kerb removed and the footway reinstated to match the adjoining footway to the satisfaction of the Local Highway Authority.

**REASON**

To ensure that pedestrian and vehicular safety is not prejudiced in accordance with Policies AM3 and AM8 of the Hillingdon Local Plan - Saved Unitary Development Plan Saved Policies (November 2012) and Chapter 6 of the London Plan (July 2011).

**8 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**9 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 Written specification of planting and cultivation works to be undertaken;
- 1.b Schedule of plants and trees giving species, plant sizes, and proposed numbers/densities where appropriate.

2. Details of Hard Landscaping

- 2.a Hard Surfacing Materials;
- 2.b Means of enclosure/boundary treatments (including means to protect the privacy of the front ground floor flats).

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 surfacing/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

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).

**10 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.

**11 RES16 Code for Sustainable Homes**

The dwellings 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.

**12 RES18 Lifetime Homes/Wheelchair Units**

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

#### **13 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.

#### **14 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 exercising 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.

#### **15 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 known 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)

## INFORMATIVES

### 1 I52 **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.

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.
H7	Conversion of residential properties into a number of units
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
AM7	Consideration of traffic generated by proposed developments.
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.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
OE1	Protection of the character and amenities of surrounding properties and the local area Use of planning obligations to supplement the provision of

R17	recreation, leisure and community facilities
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 5.13	(2011) Sustainable drainage
LPP 5.3	(2011) Sustainable design and construction

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

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

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

### **4**

You are advised that the development hereby approved represents chargeable development under the Mayor of London's Community Infrastructure Levy (CIL). At this time the CIL is estimated to be £14, 982.51 which is due on commencement of this development. The actual CIL payment will be calculated at the time your development is first permitted and a separate liability notice will be issued by the Local Planning Authority. Should you require further information please refer to the Council's website <http://www.hillingdon.gov.uk/index.jsp?articleid=24738>.

### **5            11            Building to Approved Drawing**

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

### **6            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            13            Building Regulations - Demolition and Building Works**

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

### **8            15            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.

## **9            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.

## **10          115          Control of Environmental Nuisance from Construction Work**

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

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

## **11          147          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            123            Works affecting the Public Highway - Vehicle Crossover**

The development requires the alteration and stopping up of the existing vehicular crossovers in Thornhill Road and Swakeleys Road, which will be constructed by the Council. This work is also subject to the issuing of a separate licence to obstruct or open up the public highway. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

### **3.            CONSIDERATIONS**

#### **3.1        Site and Locality**

The site is a rectangular plot with an approximately 15 metre frontage to Swakeleys Road and a depth of 49m that adjoins the front garden of No. 2 Thornhill Road. The site, located at the junction of Swakeleys Road and Thornhill Road, has an area of 803 sq. metres (0.0803 hectares).

The whole site, which is covered by an area Tree Preservation Order that includes 38 individually protected trees and two groups, is situated within the developed area as identified in the Hillingdon Local Plan (November 2012).

There was a large two storey five bedroom house on the site until March 2013, forming part of a residential area that comprises a mix of bungalows, two-storey detached and semi-detached houses of varying sizes. The original house forms part of a continuous frontage of two-storey houses, many substantial, and mostly set back some distance from the road along this part of Swakeleys Road, a busy local traffic route connecting Ickenham village centre with the A40 and beyond.

#### **3.2        Proposed Scheme**

The proposal is for the erection of a two storey building with habitable roofspace contained under a hipped roof for use as 5 x 2 bedroom self-contained flats. The dwellings would each comprise of two bedrooms at the front, in Flats A to D on the ground and first floors with a large living room/kitchen. A fifth two bedroom unit, Flat E, would be created within the roofspace. The front elevation would contain matching end bays and the communal entrance.

The hipped roof rear projection at first floor would be 9.6m wide x 4m deep with a ridge height kept 0.5m below that of the raised front roof space (maximum 9.95 metres high) which would be converted into habitable accommodation by means of 4no. rooflights in the front roof slope, two on the rear elevation and two/three on the side elevations. The 37.5 degrees angle of pitch to the main roof would create a small crown roof section in the centre.

The proposal would provide spaces (2.4m x 4.8m in size) for eight cars/vehicles to park within the site in two parallel rows with the existing vehicle access in Swakeleys Road closed and a pedestrian gate installed. All vehicles would enter and leave the site via a marginally widened crossover access in Thornhill Road. A timber cycle storage shed (3.0m x 3.0m x 2.4m high) for up to five cycles is shown in the rear garden.

At the rear of the new dwellings, a communal patio and garden area of approximately 15.8m wide by 17m to 17.5m deep would be laid out, with the existing 2m high perimeter wall retained along most of the length of the site boundary in Thornhill Road and around to the front, replaced at the entrance in Thornhill Road by brick wall and railings sections. All existing trees would be retained at the rear and new planting areas laid out to the front of the building and within the parking forecourt at the front including a newly planted Silver Birch tree in the left hand corner.

The proposed external materials to be used in the development are a mixture of Weinernerger and Henfield Multi Red facing bricks; Marley Eternit Dark Red concrete plain roof tiles and white upvc windows and doors. For comparison, the materials used on the original dwelling, now demolished, were brick and timber/white render (walls), brown pantiles (roof) and white aluminium (fenestration).

### 3.3 Relevant Planning History

380/APP/2007/2871      135 Swakeleys Road Ickenham

ERECTION OF A TWO STOREY BUILDING (WITH ACCOMMODATION IN THE ROOFSPACE) TO PROVIDE FOR 6 TWO-BEDROOM FLATS, WITH DORMER WINDOWS ON ALL ELEVATIONS, 9 FRONTAGE PARKING SPACES, BIN STORE, A CYCLE STORE, CLOSURE OF THE SWAKELEYS ROAD ACCESS AND USE OF EXISTING ACCESS IN THORNHILL ROAD AS MAIN ACCESS, AND REDUCTION OF EXISTING FRONT AND SIDE WALLS IN HEIGHT WITH ADDITION OF BLACK METAL RAILINGS BACK TO ORIGINAL HEIGHT. (INVOLVING DEMOLITION OF EXISTING DWELLINGHOUSE).

**Decision:** 18-01-2008      Withdrawn

380/APP/2007/3901      135 Swakeleys Road Ickenham

ERECTION OF A TWO STOREY BUILDING (WITH ACCOMMODATION IN THE ROOF SPACE) TO PROVIDE FOR 4 TWO-BEDROOM AND 2 ONE- BEDROOM RETIREMENT FLATS, WITH ONE FRONT DORMER WINDOW AND ROOF LIGHTS ON SIDE AND REAR ELEVATIONS, 9 FRONTAGE PARKING SPACES, BIN STORE, CYCLE STORE, CHANGE OF EXISTING THORNHILL ROAD VEHICULAR ACCESS TO PEDESTRIAN ACCESS, USE OF EXISTING ACCESS IN SWAKELEYS ROAD AS MAIN ACCESS AND ALTERATIONS TO EXISTING FRONT BOUNDARY WALL TO INCLUDE METAL RAILINGS (INVOLVING DEMOLITION OF EXISTING DWELLINGHOUSE). (AMENDED DESIGN AND ACCOMMODATION)

**Decision:** 13-02-2009      Approved

380/APP/2008/2819      135 Swakeleys Road Ickenham

ERECTION OF A TWO STOREY BUILDING (WITH ACCOMMODATION IN THE ROOF SPACE) TO PROVIDE FOR 4 TWO-BEDROOM AND 1 ONE-BEDROOM RETIREMENT FLATS, WITH TWO FRONT DORMERS AND 1 SIDE/REAR DORMERS, 9 FRONTAGE PARKING SPACES, BIN STORE, CYCLE STORE, CHANGE OF EXISTING THORNHILL ROAD VEHICULAR ACCESS TO PEDESTRIAN ACCESS, USE OF EXISTING ACCESS IN SWAKELEYS ROAD AS MAIN ACCESS AND ALTERATIONS TO EXISTING FRONT BOUNDARY WALL TO INCLUDE METAL RAILINGS (INVOLVING DEMOLITION OF EXISTING DWELLINGHOUSE)

**Decision:** 13-02-2009      Approved

380/APP/2011/2655      135 Swakeleys Road Ickenham

Application for a Non-material amendment to raise a front window due to internal alterations, following grant of planning permission ref. 380/APP/2007/ 3901 dated 13-02-2009 (Erection of a two storey building (with accommodation in the roof space) to provide for 4 two-bedroom and 2 one-bedroom retirement flats, with one front dormer window and roof lights on side and rear elevations, 9 frontage parking spaces, bin store, cycle store, change of existing Thornhill Road vehicular access to pedestrian access, use of existing access in Swakeleys Road as main access and alterations to existing front boundary wall to include metal railings (involving demolition of existing dwellinghouse).

**Decision:** 16-12-2011    Refused

380/APP/2011/2656      135 Swakeleys Road Ickenham

Removal of condition no.20 of planning permission ref. 380/APP/2007/3901 dated 13-02-2009 to allow for no age limitation on residents (erection of a two storey building (with accommodation in the roof space) to provide for 4 two-bedroom and 2 one- bedroom retirement flats, with one front dormer window and roof lights on side and rear elevations, 9 frontage parking spaces, bin store, cycle store, change of existing Thornhill Road vehicular access to pedestrian access, use of existing access in Swakeleys Road as main access and alterations to existing front boundary wall to include metal railings (involving demolition of existing dwellinghouse).

**Decision:** 28-03-2012    NFA

380/APP/2012/250      135 Swakeleys Road Ickenham

Part single storey part two storey rear extension; single storey front extension and entrance porches plus raising of roof incorporating front/rear dormers and rooflights and alterations to elevations to allow for conversion of existing dwelling to 2 x two storey with habitable roofspace, 6-bed semi-detached dwelling houses with associated amenity space and parking.

**Decision:** 05-04-2012    Refused

380/APP/2012/869      135 Swakeleys Road Ickenham

Conversion of existing dwelling to form 2 x 5 bed dwellings with associated parking and amenity space, to include single storey front extension, part two storey part single storey rear extension plus extension and conversion of roofspace to habitable use (to include 4 x front, 2 x rear and 2 x side rooflights) and new window to first floor side.

**Decision:** 25-06-2012    Approved

380/APP/2013/171      135 Swakeleys Road Ickenham

Conversion of existing dwelling to include a part two storey, part single storey rear extension to form 2 x 2-bedroom and 2 x 3-bedroom self-contained flats with associated parking incorporating habitable roofspace (to include 4 x front and 4 x rear rooflights) and involving installation of bin and cycle stores.

**Decision:** 03-06-2013    NFA

380/APP/2013/443      135 Swakeleys Road Ickenham

Details pursuant to conditions 1-10 and 12 of Planning Permission 380/APP/2012/869 dated 25/06/2012 (Conversion of existing dwelling to form 2 x 5 bed dwellings with associated parking

and amenity space, to include single storey front extension, part two storey part single storey rear extension plus extension and conversion of roofspace to habitable use (to include 4 x front, 2 x rear and 2 x side rooflights) and new window to first floor side.)

**Decision:** 09-05-2013 Refused

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

There have been two previous planning applications under refs. 380/APP/2007/3901 and 380/APP/2008/2819 for which permission was granted in February 2009 for the demolition of the existing building and erection of a two-storey block to accommodate 4 two-bed and 2 one-bed flats; and 4 two-bed and 1 one-bed flats respectively. These proposals were granted on the basis of their occupation by persons aged 60 years or over (or 60/55 years in the case of couples) but other subsequent applications to amend the layout and remove the age restriction were refused or became redundant when the time period for implementation of either of these permissions expired.

A more recent application for extension and conversion of the existing dwelling in to 2no. two storey (with habitable roofspace) 6-bed semi-detached dwelling houses under ref. 380/APP/2012/250 was refused in February 2012 for the following reasons (in short):

(1) Increased bulk, mass and height of the building and the height, size, scale and design of the rear two storey extension (not subordinate to the original building in terms of scale, size and proportion), contrary to UDP Policies BE13, BE15 and BE19;

(2) Unsatisfactory off street parking, manoeuvring and access arrangements leading to potential reversing and on-street parking to the detriment of public and highway safety generally, contrary to UDP Policies AM7 and AM14 and to the Council's adopted parking standards;

(3) Number of children of school age, additional provision for whom would need to be made in the schools serving the local area, and for which a legal agreement had not been secured, contrary to UDP Policy R17.

However, a revised application for conversion and extensions to the existing dwelling to form two 5 bedroom dwellings which addressed these reasons (under ref. 380/APP/2012/869) was granted approval in June 2012.

The most recent application for front/rear extensions and conversion of the existing dwelling into five flats (under ref. 380/APP/2013/171) has had no further action taken since June 2013 as the original dwelling on the site had been substantially demolished due to the structural deficiencies of its outer wall facing Thornhill Road, leaving only one other original wall, on the opposite flank, standing.

#### **4. Planning Policies and Standards**

##### **UDP / LDF Designation and London Plan**

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

- 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.
- H7 Conversion of residential properties into a number of units
- HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
- AM7 Consideration of traffic generated by proposed developments.
- 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.
- CACPS Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
- 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
- LPP 3.4 (2011) Optimising housing potential
- LPP 3.5 (2011) Quality and design of housing developments
- LPP 3.8 (2011) Housing Choice
- LPP 5.13 (2011) Sustainable drainage
- LPP 5.3 (2011) Sustainable design and construction

**5. Advertisement and Site Notice**

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

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

## **6. Consultations**

### **External Consultees**

12no. neighbouring and nearby occupiers were consulted on 11.6.2013 (9no.) & 18.6.2013 (3no.). In addition, a site notice was displayed on 17.6.2013. A total of nine representations and a petition (with 22 signatures) against the proposal have been received with the following objections/comments (summarised):

Form of development:

1. Houses are preferable to flats, which are not appropriate, in this neighbourhood;
2. Density too great.

Layout, Design & Appearance:

1. Building not properly set away from No. 137 for its full height;
2. Set back at front of No. 137 not maintained (will unbalance the visual coherence);
3. Higher than the neighbouring/approved buildings (9.95m) plus rear projection would be highly visible from Thornhill Road (bulky/intrusive top heavy three-storey in appearance);
4. Detrimental impact on street scene which is modest detached two storey dwellings (larger on Swakeleys Road);
5. Improved design/less bulk;
6. Lifetime Homes considerations not addressed;
7. Local flash flooding has occurred on east side of Thornhill Road - steps to mitigate effects need to be taken.

Parking, Traffic & Access:

1. Increase in vehicles/street parking (due to more occupants);
2. Proposed access would be dangerous to traffic/pedestrians (including school children)
3. Access on corner of busy junction with pedestrian crossing/bus stop nearby, traffic turning in Thornhill Road/Swakeleys Road (950 cars have been recorded in the morning "rush hour");
4. Entrance in Thornhill Road will lead to right turns at blind corner (danger to traffic flow/safety)/should be on Swakeleys Road;
5. Parking/access arrangements difficult for turning/inadequate number of spaces (8no.) leading to on-street parking and reversing on to highway.

Miscellaneous:

1. High wall is safety hazard when walking round corner;
2. Flats are being built without planning permission (does this meet the Building Regulations?) after demolition of original house during conversion;
3. Provision for school age children

Ickenham Residents Association (11.6.2013) - comment as follows:

1. Previous approval for a semi-detached building was a more appropriate proposal;
2. Roof has been raised some 9.3m to 9.95m and would tower over No. 137;
3. New ground floor plans appear slightly longer towards rear (15.050m) compared to approved under ref. 380/APP/2012/869

### **Internal Consultees**

Trees/Landscape Officer (25.6.2013) - No objection subject to condition relating to details of sustainable drainage (SUDS).

Highways Officer (1.7.2013) - No objection subject to all parking spaces shown at 2.4 metres x 4.8 metres.

Access Officer (29.7.2013) - No objection, subject to appropriate conditions.

## **7. MAIN PLANNING ISSUES**

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

A redevelopment of this site, which was until March 2013 occupied by a large detached dwelling, has previously been accepted in 2009 (as flats) and in 2012 (a semi-detached pair). The building density, form and site layout of those permitted schemes was considered appropriate for this residential location and surroundings which comprises in the main of substantial two storey properties.

There are national and local policies which presume in favour of maximising the potential for sustainable housing sites which are accessible for public transport and other services. In this location, close to the Local Centre of Ickenham village, there is no reason why such a proposal for flats, subject to satisfactory details and design, layout and access etc. should be refused.

In principle therefore, the proposal for flats on this ample corner site is acceptable subject to an appropriately worded Section 106 legal agreement in respect of the future educational needs of its occupants in the Borough.

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

Paragraph 4.1 of HDAS Residential Layouts specifies that in new developments numerical densities are considered to be more appropriate to larger sites and will not be used in the assessment of schemes of less than 10 units, such as this proposal. The key consideration is therefore whether the development sits comfortably within its environment rather than a consideration of the density of the proposal.

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

Not applicable to this application.

### **7.04 Airport safeguarding**

Not applicable to this application.

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

Not applicable to this application.

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

The previously permitted schemes have established a principle for redevelopment of the site that indicates the general scale and form of development that would be considered acceptable in any subsequent proposals for the site. These were for new build and then extension and conversion of the original house. The current proposal may thus be considered comparable in terms of its visual impact on the character and appearance of the surrounding area and the amenities of the residential area.

The site is not within the designated Ickenham Village Conservation Area or an Area of Special Local Character. Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies BE13 and BE19 seek to ensure that new development will harmonise with the existing street scene and thus complement and improve the character and amenity of the residential area in which it is located.

The immediately surrounding area contains a mixture of residential development, styles and forms but predominantly comprises medium to large detached properties, semi-detached houses (including Nos. 139/139a and 141/141a Swakeleys Road on the same side) plus bungalows, notably in a row directly opposite the site, that have been built in the last hundred years, essentially that of the single family detached dwelling house situated



on a sizeable plot. Some infill development has evidently occurred and a number of the larger original plots have been subdivided in the intervening years.

There are exceptions to this characteristic spacious layout with a comparatively more dense and urban built form close to the site. For instance, Nos. 141 to 143b (6 houses) Swakeleys Road to the west of the application site were approved in the 1980's and there are others in Vinlake Avenue to the south.

The proposed building, which would occupy a similar width to the original dwelling, would feature hipped roof ends whilst containing a relatively small and unobtrusive crown roof section. This apart, the proposed front elevation facing Swakeleys Road, containing only rooflights, would thus represent the most simplified form of roofscape available and is kept to a height that would not look disproportionate for the plot width or out of keeping/incongruous within the general street scene.

Accordingly, and given the variety of large properties in this part of Ickenham, the form of dwellings proposed, in particular the symmetry of the front elevation, the proportions and scale would harmonise successfully with the street scene and complement the amenity and character of the residential area. The general building line to the front would be retained and the gap to the side boundary with No. 137 (previously 0.5 metre) increased to 1.0 metre minimum and likewise to the Thornhill Road boundary, hence it would not result in the closure of any perceived gap in the street scene in Swakeleys Road.

The deeper and square footprint of the proposed building would give an overall depth of the dwellings at first floor of 13.65 metres deep, which compares to that of the original dwelling (8.9 metres) and the 15.6 metres of the previously approved scheme for flats. It is therefore considered that the proposed depth compared to that of the previous approval is acceptable. The depth of the two-storey flank wall of the existing building nearest to Thornhill Road would be retained in the proposal and there is an existing 2m high boundary wall along Thornhill Road that will partially screen the 3.3m high single-storey element of the building on this site from that road.

Whilst this side of the development would be visible from Thornhill Road, the inset of the flank walls on the first floor of the rear extension (over 3 metres) and the hipped roof would limit its immediate impact in the street scene. The overall roof height at the apex, 9.95 metres, is greater when compared to the original dwelling on this site (which was approximately 8.1 metres) but marginally lower (by 0.15 metre) than that of the previously approved scheme for six flats. The adjoining house, No. 137, is approximately 8.6 metres at the ridge (with a lowered section of 6.4m adjacent to the boundary).

The proposal, by extending mostly to the rear and only marginally forward on the front elevation compared to the original house would maintain the depth of the set back from Swakeleys Road. The maximum height of the proposed building would be greater than that at the apex of the existing building but by keeping the eaves level facing Thornhill Road the same would not appear overdominant and would integrate appropriately into the general street scene. Also, by simplifying the roof form ie. with the use of front rooflights instead of dormers, the current proposal gives no untowardly visible emphasis to the third floor being created within, which was an unacceptable feature of the previous refused scheme.

The overall height increase and new roof form may be considered to have been a logical conclusion to the original dwelling, which was provided with a much shallower roof section over its western half (repeated on No. 137). For the reasons given above therefore, the

form and scale of this proposal and its subordinate rear addition are not considered to be detrimental to the street scene. In particular, it would conform to the surrounding built context which despite the variety of dwelling types maintains a visual coherence created by the large detached dwellings that predominate in the area.

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

The amenities of neighbouring occupiers are sought to be safeguarded under Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies BE20 (in terms of outlook/proximity), BE21 (daylight/sunlight) and BE24 (privacy). The Council's adopted Supplementary Planning Document, the Hillingdon Design and Accessibility Statement: Residential Layouts contains design guidance for new dwellings.

Adequate sunlight and daylight should be available to all habitable rooms and kitchens and to adjoining amenity space of new and existing dwellings with a minimum separation distance of 15 metres. The level of daylight received to the windows of adjoining properties should be protected, as measured by a 45 degree line taken from the centre of such windows on plan.

The orientation of the site, its corner position and the proposal for the new dwellings which would occupy broadly the same footprint and front/rear building lines as the former dwellinghouse (excluding the part two storey rear extension element) meets these requirements and would not result in any significant loss of daylight or sunlight to either of the two adjoining properties, No. 2 Thornhill Road or 137 Swakeleys Road.

The privacy between new and existing dwellings should be protected and a minimum distance between facing habitable room windows achieved (24m for patio areas). The proposal would contain rear bedroom windows that are approximately 18 metres from the rear boundary with No. 2 Thornhill Road. There is extensive hedge planting that maintains a screen to that property's rear garden, notably along the rear boundary of No. 137 in addition to the group of significant protected trees (including oak and hornbeam, plus conifer and birch) positioned towards the boundary in this corner of the site which provide both amenity and privacy between neighbouring properties and their gardens. The separation from this boundary is the same as the previously approved schemes.

The two rear facing rooflights inserted at second floor level to serve the rear bedroom to the upper flat would have high sill levels. There are thus no serious direct overlooking issues, with the only side facing openings facing Thornhill Road being one window to a first floor bathroom and two rooflights also with high sills to the kitchen on the second floor principally to provide light and ventilation. All the windows and rooflights in the opposite flank would be similarly obscure glazed and/or with raised sills.

The building would project approximately 3.5m beyond the rear wall of No. 137 (2.5m at first floor level) but not beyond the line of a 45 degree angle taken from the centre of its nearest ground and first floor habitable room windows.

Accordingly, it is not considered a refusal of the proposal for reasons of loss of amenity (light or privacy) or overdominance could be substantiated, and therefore it is considered that the proposal accords with UDP Policies and HDAS in this regard.

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

The proposal is considered to provide an adequate standard of internal living accommodation in terms of size and layout, outlook, light and privacy plus external

amenity area.

The Council's adopted Supplementary Planning Document, the Hillingdon Design and Accessibility Statement - Residential Layouts contains design guidance for new dwellings. The unit size of new two-storey two-bedroom flats should be a minimum of 63 square metres. The proposal is for dwelling units ranging in sizes of between approximately 70 square metres (Flat D) and 112 square metres (Flat E) internal floor area each and therefore satisfies this requirement.

Adequate sunlight and daylight should be available all habitable rooms and kitchens and to adjoining amenity space of new and existing dwellings. In particular, this would be ensured to the rear bedroom in ground floor Flat B by the inclusion of two side facing windows, thus maximising the light received to this room beyond the two storey flank wall and rear extension plus boundary wall (1.5m) to No. 137. The loft spaces are to be utilised with roof lights to front, side and rear to provide as much natural light to these internal areas as possible.

The proposed two-bedroom dwellings should be provided with communal outdoor amenity space of at least 25 square metres per flat. The proposal incorporates over 265 square metres of amenity space for the five dwellings, part of which has been divided off to create private rear patios and thus to provide total privacy to the rear windows of the occupants of the ground floor units (Flats A and B), the living rooms of which face on to this area. The provision thus complies with Hillingdon Local Plan: Part two - Saved UDP Policy BE23 and with HDAS in this respect.

The privacy of future occupants of the ground floor flats to the front of the building, with bedrooms proposed to overlook the forecourt (an arrangement that was accepted in the two previous approved flats schemes in 2009) could nonetheless be ensured by a combination of landscaping and rail fence, the depth of the planting just inside the site entrance being determined by the minimum passing space for two vehicles (of 4.1 metres). The applicant has also indicated the provision of external screening in the form of trellis fences, to either side of the flats entrance. It is considered therefore, that this aspect of the development can be satisfactorily dealt with by means of the landscaping condition.

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

The amount of additional traffic likely to be generated by a proposal and its impact on the safety of vehicle flows and pedestrian movements in the vicinity of the site generally are considered by Hillingdon Local Plan: Part Two - Saved UDP Saved Policy AM7.

There are no overriding traffic flow or highways safety related issues arising with the proposed development, which makes adequate access/egress arrangements for the relatively few vehicle movements of future occupiers and visitors anticipated.

The Highways Engineer considers alternative access arrangements from Swakeleys Road could present conditions prejudicial to highways safety and the free flow of traffic. Accordingly, the Highways Engineer has recommended that the proposal for vehicles to enter and exit the site in Thornhill Road is accepted in the interests of highway safety generally.

The availability of sufficient pedestrian visibility splays at the vehicle accesses is also necessary in Thornhill Road. This requirement can be controlled by an appropriate condition and may involve alteration of the existing pillars, 3m apart, but there appears to

be ample space for achieving this within the proposed site layout.

Under Hillingdon Local Plan: Part Two - Saved UDP Policy AM14, all proposals should demonstrate that there is sufficient off-street parking capacity and satisfactory arrangements within the site to meet the Council's adopted car parking standards.

The level of parking provision made in the proposal meets the Council's maximum parking standards for single family dwellings of two vehicles with parking in the curtilage. The use of the existing vehicular access in Thornhill Road is considered acceptable and there is ample manoeuvring space within the front hardstanding area.

In the circumstances, and given the on site capacity for parking the number of residents vehicles associated with the occupation of two five bedroom houses in addition to visitors likely to be arriving at the site would be unlikely to exceed the practicable on-site provision and therefore regular overspill parking close to the junction in Thornhill Road is unlikely to occur.

The proposal is thus considered to be in accordance with UDP Saved Policy AM14 in this regard.

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

The design of the development, in terms of both its impact upon the character of the area, and the standard of living accommodation provided for future occupants, including accessibility matters have been considered elsewhere within this report.

The security of the site and all dwelling units is ultimately for the developer to ensure, however a Secured by Design accreditation should be achieved in this location, and is secured by means of a condition.

#### **7.12 Disabled access**

The Access Officer has requested that Lifetime Homes compliance is indicated on the plans, including level access and bathroom facilities and dimensions. The applicant has confirmed his intention to comply with all the relevant Lifetime Homes standards and it is considered that the development is capable of complying with these standards. An appropriate condition is recommended to ensure the final development complies.

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

Not applicable to this application.

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

The siting and layout of the development would have very limited impact on any significant landscape features or protected trees within and around the site, the nearest of which would be over 10 metres away in the rear garden. Subject to the standard controls on these aspects, such as the protection of trees from construction related activities the proposal therefore accords with UDP Saved Policy BE38.

In accordance with the Council's Supplementary Guidance HDAS: Residential Extensions, a minimum 25% of the front garden, which is currently fully occupied by a hardstanding area, should comprise soft landscaping and planted areas. Most of this proportion would be around the perimeter of the parking area with the remainder in front of the dwellings. The front forecourt layout proposes only half this amount, most of which would be visible from the street at the entrance whilst the remainder would be hidden by the existing boundary walls. In so much as there is none at present, this will nonetheless represent an amenity to the future occupants and with the new tree to be planted at the front, some visual enhancement of the area.

Notwithstanding the indications of planting, means of enclosure and hardstandings etc. made in the application therefore, these aspects of the development can be satisfactorily controlled by means of landscaping and sustainable drainage conditions.

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

A timber clad refuse bin enclosure (3.65m x 3.4m x 1.8m high) is indicated to the front of the flats. This would be largely unseen from the road but nonetheless is satisfactorily positioned within the site only 12 metres from the highway boundary (as represented by the back edge of the footpath) for the convenience of refuse collectors.

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

A requirement to meet Level 4 of the government's "Code for Sustainable Homes" is considered applicable to the proposed scheme, which can be ensured by means of a condition.

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

The proposal retains the existing hardstanding/paved area to the front of the site. Nonetheless, the Trees/Landscape Officer has recommended that the surface water drainage capabilities of the site as a result of the development, should be demonstrated by the applicant and this can best be achieved through means of a condition.

#### **7.18 Noise or Air Quality Issues**

Not applicable.

#### **7.19 Comments on Public Consultations**

The comments received have been considered elsewhere in this report.

#### **7.20 Planning Obligations**

The proposed development to create five new dwellings has been assessed in terms of the financial contribution to be sought by the Council from the developer to provide for the educational needs of its future occupants. This contribution is considered to be required where a development proposes a net increase of six or more habitable rooms on the site

The proposal comprises 20 habitable rooms compared to the original five bedroom dwelling on the site which comprised 11 and is still taken into account for these purposes as it has only recently been demolished. The total payable in this respect for Ickenham ward is calculated as £8,628 (£1,631 Nursery, £5,335 Primary School, and £1,662 Secondary School level). The applicant has agreed to make this contribution, payable on a date to be agreed but no later than the first occupation of the development, and the obligation entered into by means of a Section 106 legal agreement.

The proposed development is also subject to the Mayor of London's Community Infrastructure Levy (or CIL) which came into force in April 2012. This charge, which is payable on commencement of the development, is calculated on the net additional gross internal floor area to be created by the development on the application site. It is estimated that the proposal would result in 430 sq.m. At the current CIL rate the amount payable would be approximately £14,982.51. The applicant has agreed in principle to making this payment (the exact amount is subject to index adjustment), and an informative to this effect can be included on the permission.

#### **7.21 Expediency of enforcement action**

Since March 2013, following demolition of the former dwellinghouse on this site, substantial building works (up to first floor level before the end of July) have been undertaken without the benefit of planning permission with the full knowledge of the applicant. These building works appear to accord with the details submitted and now being considered for approval in the current proposal.

In the circumstances therefore, no enforcement action is considered expedient pending consideration of this application however the applicant has been advised that these works are proceeding entirely at his own risk and is thus fully aware of the implications for future enforcement action, penalties etc. should planning permission be refused and the building works be retained.

## **7.22 Other Issues**

The development is for five new dwellings and therefore would be chargeable under the Mayor of London's Community Infrastructure Levy which came into force on 1st April 2012. The applicant has been advised and an informative to this effect is added.

## **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 proposed development is comparable with many aspects of the previously approved schemes for flats. The mass of the current proposal would be similar, when viewed from both Swakeleys Road and Thornhill Road and the residential use of the site would be maximised, providing appropriate living conditions for its future occupants without detriment to neighbouring amenities.

The design of the proposal has also been assessed in terms of how it relates to the original building on the site, and to this end the taller hipped roof and additions to the rear

are considered to be an acceptable form and design.

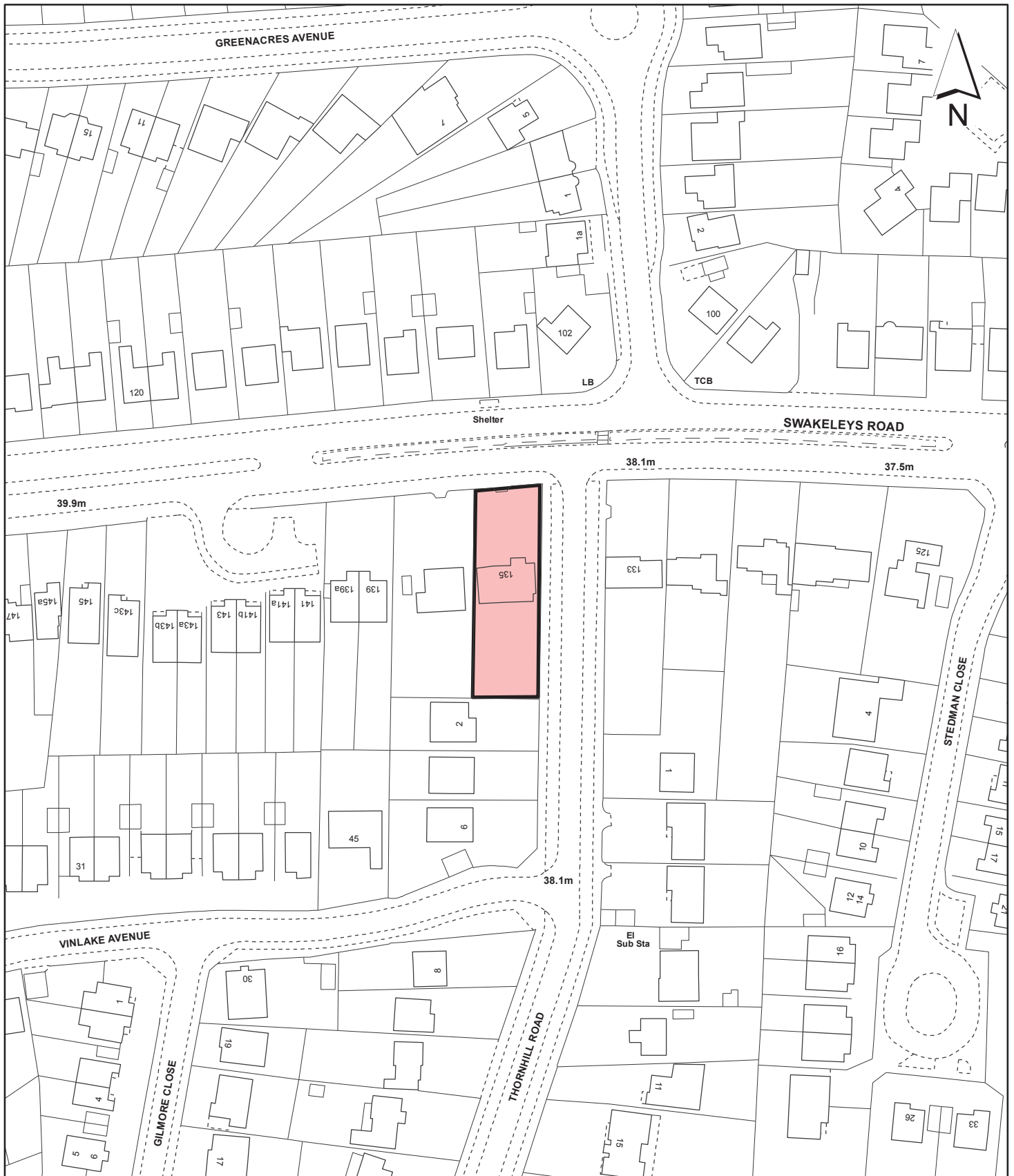
The vehicle access arrangements and general parking provision are also now considered satisfactory.



## **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).

**Contact Officer:** Daniel Murkin

**Telephone No:** 01895 250230



<p><b>Notes</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>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.</p> <p>© Crown copyright and database rights 2013 Ordnance Survey 100019283</p>	<p>Site Address</p> <p align="center"><b>135 Swakeleys Road Ickenham</b></p>		<p align="center"><b>LONDON BOROUGH OF HILLINGDON</b></p> <p align="center"><b>Residents Services</b></p> <p align="center">Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p align="center"><b>380/APP/2013/1450</b></p>	<p>Scale</p> <p align="center"><b>1:1,250</b></p>	 <p align="center"><b>HILLINGDON</b> LONDON</p>
	<p>Planning Committee</p> <p align="center"><b>North</b></p>	<p>Date</p> <p align="center"><b>August 2013</b></p>	