

Report of the Head of Planning, Sport and Green Spaces

Address LAND TO REAR OF 94-96 GREEN LANE NORTHWOOD

Development: 2 x Two storey 5-bedroom semi-detached dwellings with habitable roofspace with associated parking and amenity space and the installation of a vehicular crossover

LBH Ref Nos: 66134/APP/2012/718

Drawing Nos: Design and Access Statement
1:1250 Location Plan
E56 07
Arboricultural Report
Sustainable Energy Assessment
GBA 0212.02
0701/101D
0701/102B
0701/103C

Date Plans Received: 27/03/2012 **Date(s) of Amendment(s):** 27/03/2012
Date Application Valid: 13/04/2012 19/04/2012

1. SUMMARY

This application seeks permission for the erection of 2 x two storey, semi-detached dwellinghouses with associated parking and amenity space. The scheme has been revised following the dismissal of an appeal for a larger three storey flatted block of 6 two bedroom units and replacement garage on this site in 2011.

Although it is considered that this revised scheme for a pair of semi-detached houses overcomes the Inspector's concerns as regards the scale and design of the flatted block, the lack of off-street parking and the three storey building being overbearing upon the occupiers of Nos. 9 and 11 Chester Road, it is considered that the scheme would still result in the loss of trees that make a significant contribute to the amenity of the locality and their loss would be harmful to the arboreal/wooded character of the area. Retained trees would also overshadow the amenity space of the new houses, which would result in pressure for further tree loss. Furthermore, as the scheme is being recommended for refusal, no contributions have been offered at this stage towards additional education facilities.

The scheme is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The application fails to make adequate provision for the long-term protection of several trees on and off-site and does not take into account the future growth/size of three protected Ash trees, thereby threatening their long-term survival. Furthermore, the loss of garden land and the trees that form the large part of the tree mass of this area of suburban woodland, to be replaced with buildings and hardstanding will have a detrimental impact on the green vista and arboreal/wooded character of the area,

including the Old Northwood Area of Special Local Character. The proposal is therefore contrary to the National Planning Policy Framework (March 2012), Policies 3.5, 7.4 and 7.21 of the London Plan (July 2011), Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies and Policies BE5, BE13, BE19 and BE38 of the Hillingdon Local Plan: Part 2 - Unitary Development Plan Saved Policies (November 2012).

2 NON2 Non Standard reason for refusal

The proposed rear amenity area would be overshadowed by protected trees on and close to the site to such an extent that the area would not afford sufficiently usable space for the future occupiers of the proposed houses. As such, the proposal is contrary to Policy BE23 of the Hillingdon Local Plan: Part 2 - Unitary Development Plan Saved Policies (November 2012).

3 NON2 Non Standard reason for refusal

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 Hillingdon Local Plan: Part 2 - Unitary Development Plan Saved Policies (November 2012) and the adopted London Borough of Hillingdon Planning Obligations Supplementary Planning Document.

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan (November 2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

NPPF4	
NPPF6	
NPPF7	
NPPF10	
NPPF11	
NPPF12	
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 5.3	(2011) Sustainable design and construction
LPP 5.13	(2011) Sustainable drainage
LPP 7.4	(2011) Local character
LPP 7.21	(2011) Trees and woodland
EC2	Nature conservation considerations and ecological assessments

EC5	Retention of ecological features and creation of new habitats
BE5	New development within areas of special local character
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H5	Dwellings suitable for large families
OE1	Protection of the character and amenities of surrounding properties and the local area
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

3. CONSIDERATIONS

3.1 Site and Locality

The application site is situated to the east of Ashurst Close, between Green Lane to the north and Chester Road to the south and forms a 0.07 hectare 'L' shaped plot comprising part of the rear garden areas of 2 adjoining properties, Nos. 94 and 96 Green Lane, a previously open area of land at the rear of No. 34 Ashurst Close which has now been enclosed with fencing and part of the grassed verge of Ashurst Close.

The site contains a detached double garage serving No. 94 Green Lane and a number of mature trees and is covered by Tree Protection Order Nos. 56, 57 and 653. This is an established traditional residential area, with good quality housing dating from the late Victorian period with more modern infill development, including the purpose built 1960's flatted blocks of Ashurst Close, which are grouped around a central landscaped area. Adjoining the site to the north are detached two storey houses fronting Green Lane which appear to be Edwardian or possibly slightly later with detached and terraced two and three storey houses fronting Ashurst Close and Chester Road to the south, with properties on the northern side of Ashurst Close being three storey flatted blocks with basement parking. The site slopes from north to south and the southern part of the site is within the Old Northwood Area of Special Local Character as identified in the Hillingdon Local Plan (November 2012).

3.2 Proposed Scheme

The application proposes 2, two storey detached five bedroom houses (a room shown as a study on the first floor could easily be used as an additional bedroom with no alterations required and has therefore been considered as such). Accommodation is proposed within the roofspace, contained within a mansard type roof with flat roofed front and rear dormer windows. Two double garages are proposed, one for the new development, and one replacement garage provided for the occupiers of No.94 Green Lane.

The houses would be located within the rear half of the rear gardens of Nos. 94 and 96 Green Lane, at the northern end of the application site. They would front onto Ashurst Close with the house set back from the back edge of the pavement in Ashurst Close by a minimum of 4.5m. To the rear of 94 Green Lane a garden depth of 19m would be retained for that property, with the new plot divided by a 1.8m close boarded fence.

Each house would be 7.2m wide and 9.8m deep, with a further single storey element to the side of each house that would be 1.8m wide, set back 4.7m from the front elevation. A two storey flat roofed front bay window would also extend 0.6m in front of the main elevation of each house.

The ground floor would comprise a hallway, living room and kitchen/dining room and utility room. The first floor would comprise three bedrooms (one of which is shown as a study) and bathroom, whilst the accommodation within the roof would provide a two further bedrooms and a shower room.

Elevations would be of a traditional form similar to the adjoining flats, comprising facing brickwork with brick feature string courses and detailing, and a synthetic slate roof.

The garage blocks would be sited to the south of the houses with hardstanding between them accessed from Ashurst Close. The garage nearest to the house would provide a single space each for the occupants of the new houses and would be 6.25m wide and 5.6m deep. The replacement garage for No. 94 Green Lane would be provided at the southern end of the site and be 5.6m wide and 5.6m deep. Each garage would have a tiled roof with gable ends rising from 2.8m at eaves level up to 4.4m ridge height, with the parapet walls on the gable ends rising a further 0.3m. They would be set back approximately 3m away from the back edge of the pavement, with a 10.8m gap between the two garages, to include two parking spaces to the south of the northern garage, one for each of the new houses.

Each house would have a garden depth of between 10.4m and 10.8m, with additional space to the side of each house (3m to the main side elevation of the northern house and 5.8m to the side of the southern house).

A number of relatively minor changes have been made to the design of the houses and their garage block, following advice given by officers.

The application is accompanied by a Design and Access Statement, Landscape Plan, Arboricultural Report and a Sustainable Energy Statement.

3.3 Relevant Planning History

66134/APP/2011/294 Land To Rear Of 94-96 Green Lane Northwood

Three storey detached building comprising 6, two-bedroom flats with associated parking and amenity space and installation of 2 vehicular crossovers, involving demolition of existing

detached garage and erection of a replacement garage.

Decision: 25-08-2011

Appeal: 25-08-2011 Dismissed

66134/APP/2011/296 Land To Rear Of 94-96 Green Lane Northwood

Three storey detached building comprising 6, two-bedroom flats with associated parking and amenity space and installation of 2, vehicular crossovers, involving demolition of existing detached garage and erection of a replacement garage (Duplicate Application)

Decision: 02-06-2011 Refused

Comment on Relevant Planning History

There have been a number of applications submitted over the years which have proposed residential development on this or parts of this site. On the southern part of the site, these have involved a 3 storey block comprising 4 one-bedroom and one two-bedroom self-contained flats with integral garages at ground floor (59708/APP/2004/1750 refers) which was refused permission on 19/4/04 and a detached house which was dismissed at appeal on 10/3/05 (59708/APP/2005/164 refers).

The two most recent applications on this site (one being a duplicate) sought to erect a three storey block turned through 90 degrees to Ashurst Close, comprising 6 two-bedroom flats with associated parking and amenity space, together with a replacement double garage for No. 94 Green Lane (66134/APP/2011/292 and 294 refer). The latter application was appealed for non-determination which was subsequently dismissed in the Inspector's decision letter dated 25/8/11 (attached at Appendix 1), whereas the former application was refused at the North Planning Committee meeting of 2/6/11 for the following reasons:

1. The proposed three storey block, together with the provision of an extensive area of hardstanding adjacent to Ashurst Close, by reason of its siting, density, size, bulk and design, would appear as a cramped development that would fail to harmonise with the architectural composition of adjoining buildings and the open and verdant character and appearance of the surrounding area, including the Old Northwood Area of Special Local Character. The proposal is therefore contrary to Policies BE5, BE10, BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3A.3, 4B.1 and 4B.8 of the London Plan, guidance within The London Plan Interim Housing Supplementary Planning Guidance, April 2010 and Planning Policy Statement 3: Housing (as amended).

2. The application fails to make adequate provision for the long-term protection of several trees on and off-site and does not take into account the future growth/size of three protected Ash trees. Furthermore, the loss of the trees forming the large part of the tree mass will have a detrimental impact on the green vista and arboreal/wooded character of the area. The proposal therefore does not comply with policy BE38 of the Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

3. The proposal fails to provide adequate off-street car parking in accordance with the

Council's adopted Car Parking Standards. The proposal would therefore be likely to give rise to additional on-street parking, prejudicial to highway and pedestrian safety, contrary to policies AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

4. 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).

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.30 To promote and improve opportunities for everyone in Hillingdon, including in particular women, elderly people, people with disabilities and ethnic minorities.
- PT1.39 To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.
- PT1.H1 (2012) Housing Growth
- PT1.HE1 (2012) Heritage
- PT1.BE1 (2012) Built Environment
- PT1.EM1 (2012) Climate Change Adaptation and Mitigation
- PT1.EM6 (2012) Flood Risk Management
- PT1.EM8 (2012) Land, Water, Air and Noise
- PT1.CI1 (2012) Community Infrastructure Provision

Part 2 Policies:

- NPPF4
- NPPF6
- NPPF7
- NPPF10
- NPPF11
- NPPF12
- LPP 3.1 (2011) Ensuring equal life chances for all
- LPP 3.3 (2011) Increasing housing supply
- LPP 3.4 (2011) Optimising housing potential

LPP 3.5	(2011) Quality and design of housing developments
LPP 5.3	(2011) Sustainable design and construction
LPP 5.13	(2011) Sustainable drainage
LPP 7.4	(2011) Local character
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5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

39 neighbouring properties have been consulted on 18th April 2012 and 2 site notices were displayed on 14th May 2012. A further period of re-consultation was carried out on 30th April 2013, following the receipt of amended plans.

A petition with 38 signatories has been received, together with 7 individual responses.

The petition states that the signatories object to the planning application on the following grounds:

1. That despite the description of the development the use would be for two 6/7 bedroom three storey dwellings by providing accommodation within the roof, thereby affecting density figures.
2. That the additional parking requirements and traffic generated by the development would create unacceptable overuse, density, congestion and danger in Ashurst Close. The relocated garage for 94 would be very remote from the house, accessible only by a circuitous route, rendering the occupier likely to add pressure by parking in the road.
3. The development would make it difficult to access and egress the underground car parks to the adjoining flats on Ashurst Close.
4. The excessive density would be contrary to the policies relevant to the Old Northwood Area of Special Local Character by reason of its overall size and proportion which would be over dominant, incongruous and detrimental to the visual amenities and changing the character of the area.
5. The loss of significant trees which collectively provide an attractive suburban woodland of high amenity value. Retained trees would be unable to provide adequate screening and trees lost have the potential to provide a more attractive enclave and a significant wildlife haven. An independent Arboricultural Report has been provided by the petitioners.
6. That the 3 storey proposed mass situated on higher land to 9 and 11 Chester Road would be overbearing, the car parking area resulting in noise and disturbance, and south facing windows resulting in overlooking and loss of privacy.
7. Points made in paragraphs 4 and 5 (Siting, scale and design), 6 (Trees), 7 and 8 (Parking and highway issues) in the Inspector's previous letter have not been overcome.
8. The hard surfacing will adversely affect water drainage and flooding in the area.

The petition is also accompanied by a letter/report from an arboriculturist who raises concern about the direct and indirect loss of trees and inevitable alteration of the well treed character of the area, potential pressure for the removal of trees by the new residents in the future, and potential neighbour disputes given the size of some of the trees outside of the site that may result in excessive shade for the application properties.

The Ashurst Close (Flats) Ltd object to the application on the grounds that the open spaces around Ashurst Close are important to the character of the area and well maintained by residents. The proposed development would in effect nullify the Tree Protection Orders in the area. The proposal would also result in driving hazards and parking problems, especially being opposite the underground car park to the existing flats.

The individual responses raise the following concerns:

- (i) The proposed plot is extremely small, with the building shoe-horned into place. The density of dwellings is totally at odds with the character of the immediate buildings and the proposed parking would result in the loss of a greatly valued green space. The scale of the design is totally out of keeping with the houses that enclose it and would dominate the surrounding area. Although the development broadly references the building scale of Ashurst Close flats, no reference is made to housing features in the direct locality in the proposed design. Mansard roofs in particular would be unsightly and fail to harmonise with the buildings in the area, including the designated Old Northwood Area of Special Local Character and the adjoining Edwardian buildings in Green Lane and Nos. 9 and 11 Chester Road which share common characteristics such as detached family houses with large gardens. Materials specified do not resonate with the character of the area,
- (ii) The proposed site is a perfect example of back garden development: namely, those of the former No. 7 Chester Road and current 94 and 96 Green Lane,
- (iii) Not enough outdoor amenity space for residents,
- (iv) Insufficient parking provision as 2 parking spaces per residence does not leave sufficient

spaces for visitors, particularly if the houses are occupied by disabled people. Access already severely restricted on Ashurst Close as this is single lane, with parking spaces judged to be unable to accommodate any additional traffic by the inspectors of the previous application. Refuse Collection vehicles already often need to reverse along the close due to restricted access. The siting of a garage (for No. 94) on a 90 degree bend in the road will provide an additional hazard both for residents in the town houses in Ashurst Close trying to access garages and for motorists using a road that is already congested. Increased traffic flow not only through Ashurst Close but also on Hallowell Road which is already a busy and over congested road both for resident's parking and for local through traffic. It is already a notorious rat run. With 2 churches and 2 clubs in Hallowell Road as well as the new Youth Centre, the potential for congestion, accidents and injuries will only increase if this proposal goes ahead. Site is also close to popular independent school. Proposal would be likely to create unacceptable congestion and disruption from builders, occupiers and others, representing a risk to children,

(v) The area is over populated at present,

(vi) The back gardens of 94 and 96 Green Lane slope downwards towards Chester Road and the current houses, although taller than my property, are screened in the summer months by many trees currently covered by a blanket TPO. Any additional three storey building sited close to the southern boundary would have a detrimental impact on privacy of surrounding properties, particularly No. 9 Chester Road as it would dominate the outlook and directly overlook both the house and garden thereby removing any remaining privacy that is currently enjoyed, both perceived and actual. The plans indicate that the bathroom would directly overlook back garden of No. 9, the only remaining area that still affords limited privacy,

(vii) Proposal would be detrimental to the view from surrounding properties, once trees have been removed which will detract from enjoyment of gardens,

(viii) Proposal would result in loss of trees and greenery from the area, including those which lie on the boundary with 9 Chester Road which are not referred to. These trees currently offer natural screening between the garage and house at No. 94 Green Lane, house at 96 Green Lane and 9 Chester Road,

(ix) Site provides wildlife habitat, particularly for birds including green and spotted woodpeckers, songbirds and even sparrow hawks,

(x) Increased noise levels would arise from side access to the utility room and positioning of bins to No. 9 Chester Road. The garages are sited extremely close to each other and additional parking (presumably on the approach to each garage) would exacerbate this situation. Over the past thirty-five years, infilling at the former Nos. 5-7 Chester Road and the development of dwellings in Ashurst Close have drastically reduced the amount of privacy previously enjoyed at this address whilst simultaneously increasing noise levels. The current proposal would further compound these issues,

(xi) Proposal would set precedent for other rear gardens to be used for development,

(xii) Proposal threatens surrounding buildings,

(xiii) Developers argue that this proposal would provide more accommodation for people with special needs, but this proposal will completely prevent future residential, social or care home development of a potentially much larger site by blocking access to land at the rear of numbers 98, 100 and 102 Green Lane. As, in the not too distant past, all the owners of the 5 properties in this row have agreed to sell off part of their gardens to developers, we feel that this proposal would effectively waste an opportunity for a more beneficial development.

11 further responses were received in response to the neighbour re-consultation on the amended plans. These mainly re-iterate the comments received on the original consultation but include the following additional comments:-

(xiv) There has been no significant changes to this application so previous objections still apply,

(xv) Proposal would increase demand on local services,

(xvi) Proposal may disrupt local utilities - flash flooding, surface water disposal and foul water drains are already a local problem,

- (xvii) Ashurst Close has been well maintained for many years,
- (xviii) This small plot of land may be suitable for a small bungalow but little else,
- (xix) Application refers to two semi-detached 4 bedroomed houses but studies could be used as another bedroom,
- (xx) Proposal would limit rental income from surrounding properties,
- (xxi) Construction traffic and storage of materials will add to congestion on road.

THAMES WATER

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system. With regard to water supply, this comes within the area covered by the Veolia Water Company.

Internal Consultees

URBAN DESIGN/ CONSERVATION OFFICER:

The scheme has been amended as regards the design of the pair of semi-detached houses in accordance with officer advice so that no objections are raised on design grounds

The scheme would involve the loss of trees and open space that would adversely affect the setting of the Old Northwood Area of Special Local Character.

TREES AND LANDSCAPE OFFICER:

NOTE: For clarity, and because the area order TPO does not describe individual trees, where individual trees are referred to, this report refers to the tree numbers used by the applicant's arboricultural consultant.

TPO / Conservation Area: This site is covered by TPO's 56, 57 and 653: The southern part of the site is also within the Old Northwood Area of Special Local Character.

Significant trees / other vegetation of merit in terms of Saved Policy BE38 (on-site): All of the trees within the rear garden of 96 and 98 Green Lane (and 9 and 11 Chester Road, and 1 and 2 Wychwood Way) are covered by TPO 653 (an Area order).

The trees are predominantly Ash, some of which form a continuous line of trees along the site's southern and eastern boundaries, which surround a smaller group, and provide a buffer to the adjacent gardens. This mass of mostly young to middle-aged trees forms a small urban woodland and green vista which significantly contributes to the arboreal / wooded character of the area and can be seen from the surrounding local roads. The small urban woodland is valued by local residents, has a high (collective) amenity value and should be afforded long-term retention and protection.

The scheme proposes to remove a young Bhutan Pine, a few small fruit trees and two protected Ash trees (T8 and T11 on report). There is no objection to the removal of the Pine and fruit trees;

however the removal of the two protected Ash trees will effectively remove the inner group of trees from the small urban woodland, and will result in the remaining trees forming only a staggered line of Ash along the site's eastern and southern boundaries.

The applicant's tree consultant has stated that the larger of the Ash trees (T11 - which is formed from two, twin-stemmed Ashes - i.e. four main stems) that will be removed has a very poor structure and states there are weak forks present. However, each of the two separate close-growing Ash trees has good form with a well-spaced main fork. If left to grow, it is reasonable to assume that one of the expanding trunks (of the two separate trees) would eventually fail due to the pressure exerted on it by the other. It would, however, be very straight-forward to remove one of these trees to let the other develop normally.

The second, smaller Ash (T8 on report) that has been earmarked for removal has good form and has the potential to develop into a good, central tree. If this application were to be approved (resulting in the removal of these central Ash trees), then their loss would need to be mitigated by good quality planting on the site's western boundary. This would need to be designed to soften the visual impact on the residents at 10 - 21 Ashurst Close (to the north-west).

There is also a group of three Ash trees to the south-west of the proposed building (T12, T13 and T14 on report). These trees are very important because they provide a visual buffer / green screen between the properties in Wychwood Way and Ashurst Close from those in this part of Green Lane. This group of trees, along with the linear group of trees along the site's eastern boundary, will cast shade onto the proposed rear garden / amenity space. The applicant's arboricultural consultant considers this to be a sustainable relationship because Ash trees only cast dappled shade and there are no significant windows on the southern side of the proposed building; however irrespective of the type of crowns that may develop, Ash trees are ultimately very large trees and will eventually dominate the proposed rear gardens, especially the southern-most one. Any future occupier would rightly be concerned about the close proximity of such large trees to their property and there would inevitably be pressure to heavily prune or remove the trees in the future, which would be detrimental to the amenity value of the group of trees and the amenity of the area. Furthermore, because this group of trees have all grown into maturity together and have provided mutual shelter during strong winds, the proposed removal of the inner group of could affect the stability of these remaining Ash trees

Significant trees / other vegetation of merit in terms of Saved Policy BE38 (off-site): There are three protected Lime trees (T26, T27 & T28 on TPO 57) situated in the rear garden of 94 Green Lane. These trees fall just outside of the proposed site's northern boundary, however there is a possibility that construction-related activities / storage of materials could affect their root protection areas (RPA's). This matter has not been addressed by the tree survey / report.

There is a mature, protected Ash (T21 on the report / T35 on TPO 56) on the land to the south-west of 94 Green Lane, and there is also a group of three conifer trees (not protected) close to the entrance of the proposed development. These trees contribute to the arboreal / wooded character of the area and help to screen the properties in Ashurst Close from those in Green Lane.

The applicant's arboricultural consultant (and the independent arboricultural consultant commissioned by the Ashurst Close [Flats] Ltd) states that the Ash (T21 / T35 on TPO 56) has a potentially weak fork at 1.5 m; however this contention has not been substantiated. The lower part of the stem is covered in ivy, however when this was cut back, it revealed that although the stems are growing quite close together, the union appeared to be sound, and in any event, if it were shown that a weakness was present, the stems of the tree could be supported by installing non-invasive bracing, or the crown of the tree could be lightened in weight by pruning.

The proposed surfacing between the proposed building and garages has been placed very close to

the protected Ash (T21 / T35 on TPO 56), as has the proposed garage, and although 'no dig' construction has been proposed, no further details have been provided to explain how the change in levels between the proposed 'no dig' surface and the surrounding, existing ground levels will be addressed. Furthermore, no information has been provided to show how the proposed garage will be constructed without causing damage to the tree and its roots.

Appraisal: The proposed scheme is not sustainable in terms of the long-term retention of several of the protected Ash trees, and furthermore, the scheme will have an adverse impact on the green vista and arboreal / wooded character of the area.

Scope for new planting: Suggestions for new shrubs have been included at this stage; however it may be appropriate to submit a more detailed landscaping plan at a later stage. If the various tree matters can be resolved, this matter can be dealt with by condition.

Does scheme conform to HDAS: The design and access statement suggest that two parking spaces will be provided for each dwelling. However, the proposed scheme only appears to provide a double garage for car parking (with a second garage for the residents of 94 Green Lane). It is not clear whether or not other parking is to be provided, however HDAS recommends that 1.5 spaces per dwelling are required and therefore this matter will need to be clarified.

Does scheme conform to SUDS: The scheme proposes to use permeable surfaces, however no details have been provided. This matter can be dealt with by condition.

Recommendations: None.

Conclusion (in terms of Saved Policy BE38): The application is not acceptable, because the scheme does not make provision for the long-term protection of several trees on and off-site, nor does it take into account the future growth / size of three protected Ash trees. Furthermore, the loss of the trees forming the large part of the tree mass will have a detrimental impact on the green vista and arboreal / wooded character of the area.

ENVIRONMENTAL PROTECTION UNIT

Do not wish to object to this proposal. Please ensure informative I15 is applied.

SECTION 106 OFFICER

Education contributions will be required as per normal practice, and the applicant should be advised that the development is CIL liable.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

There is normally no in principle objection to the intensification of the residential use within an established residential area, subject to normal development control criteria.

In this instance, the proposal would involve the loss of rear garden land and protected trees.

As regards national guidance, paragraph 53 of the NPPF (March 2012) advises:-

'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'

With regard to the London Plan, Policy 3.5 "Quality and design of housing developments" states that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in the Plan to protect and enhance London's residential environment and attractiveness as a place to live. Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified.

The London Plan comments in Paragraph 3.34 that "Directly and indirectly back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities' sense of place and quality of life. Pressure for new housing means that they can be threatened by inappropriate development and their loss can cause significant local concern. This Plan therefore supports development plan-led presumptions against development on back-gardens where locally justified by a sound local evidence base..."

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) advises at point 9 that all new development should amongst other criteria:-

'Not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase the risk of flooding through loss of permeable area;'

Previous applications have been refused on the grounds of the impact of those developments on the character of the area, the last one of which was upheld on appeal. Given that there remain significant concerns regarding the impact of the development on the character of the area through the loss of the open aspect and the impact on trees, it is considered that any development of this site remains inappropriate, contrary to policies seeking to safeguard rear gardens from development.

The loss of part of the rear gardens and trees would be detrimental to the character of the area, part of which is located within the Old Northwood Area of Special Local Character. On entering Ashurst Close from Hallowell Road, the orientation of the road permits in depth views to the east over the adjoining rear gardens of properties on Chester Road and Wychwood Way in the south and Green Lane in the north. The gardens contain many mature trees and shrubs which gives the eastern end of the road an open and verdant character. Whilst the buildings have been reduced in scale and form from that previously considered unacceptable, the character of this part of the Close and the area in general would be adversely harmed by the proposal. It would still add to the built-up appearance of Ashurst Close, restricting outward views, which would be detrimental to the open character of the eastern end of Ashurst Close. The scheme would therefore be detrimental to the contribution that the rear gardens and trees make in terms of the local context and character of the area.

7.02 Density of the proposed development

Policy 3.4 of the London Plan (July 2011) advises that Boroughs should ensure that development proposals maximise housing output having regard to local context, design principles, density guidance in Table 3.2 and public transport accessibility. Table 3.2 establishes a density matrix to establish a strategic framework for appropriate densities at different locations.

The site is located within a suburban area and has a Public Transport Accessibility Level (PTAL) of 2, where 6 is the most accessible and 1 the least. Taking the site parameters

into account, the matrix recommends a density of 35-65 u/ha and 150-250 hr/ha, with an average unit size of 3.8 - 4.6 hr/u. With 8 habitable rooms (counting habitable rooms over 20sqm which could be subdivided as 2 rooms as advised by Paragraph 4.2 of the Council's HDAS: Residential Layouts) the proposed houses are larger than the largest category of house in the guidance. However, this proposal equates to a density of 29 u/ha and 229 hr/ha, with the number of units being less than that advocated by the Mayor's guidance. However, given the spacious character of the surrounding area, no objections are raised to the proposed density.

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

There are no surrounding conservation areas or statutory listed or locally listed buildings that would be affected by the proposed development. Furthermore, the site is not located within an area that is likely to contain archaeological remains.

The southern part of the site does form part of the Old Northwood Area of Special Local Character, which in this particular location is defined by a mix of old and new buildings, set within relatively spacious plots with areas of ancillary open space adjacent to the streets.

The proposal would result in residential development on an area of rear garden that contains an area of suburban woodland of high amenity value. The loss of trees would harm the arboreal character and appearance of the area, detrimental to the character and appearance of the Old Northwood Area of Special Local Character. The scheme fails to comply with policies BE5, BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.04 Airport safeguarding

There are no airport safeguarding issues raised by this application.

7.05 Impact on the green belt

The site is not situated within or near to Green Belt land. No Green Belt issues are therefore raised by this application.

7.06 Environmental Impact

With the exception of the impact upon trees, which is dealt with elsewhere in this report, there are no other environmental impacts raised by this application.

7.07 Impact on the character & appearance of the area

The Inspector on considering the previous appeal for the proposed 3 storey block of 6 flats noted that although the dwellings in the immediate vicinity of the site are widely varied in terms of their age, size, type and design, the immediate setting is provided by the Georgian style 1960s flatted blocks in Ashurst Close. The Inspector was critical of the scale and design of the proposed 3 storey flatted block, concluding that:-

'..the layout, design and scale of the building does not reflect the urban grain or general architectural quality of the immediate surroundings. Accordingly, I find the proposal would harm the character and appearance of the locality and the Old Northwood ASLC.'

This scheme now proposes a more traditional pair of semi-detached houses. The proposed houses have been turned through 90 degrees so that they now front the road. The mansard roof is a characteristic roof form in the area so that no objections can be raised to its inclusion here. Revised plans have been received, making detailed design alterations to the scheme in response to the Council's Urban Design/Conservation Officer comments and the design of the houses is now considered acceptable.

7.08 Impact on neighbours

The Council's Supplementary Planning Document HDAS: Residential Layouts requires

buildings of two or more storeys to maintain at least a 15m separation distance from adjoining properties to avoid appearing overdominant and a 21m distance between facing habitable room windows and private amenity space, considered to be a 3m deep 'patio' area adjoining the rear elevation of a property to safeguard privacy.

The main bulk of the two storey houses would be sited some 22m from the rear elevation of No. 94 Green Lane. As regards the three storey flatted blocks on Ashurst Close, the houses would be sited 16m from their nearest corner of the block to the north (Nos. 16 to 210 and some 16m from the side elevation of the flatted block on the opposite side of Ashurst Close (Nos. 1 - 9). To the south, the houses would be sited some 39m from the front elevation of the nearest property, No. 34 Ashurst Close. The only distance that would not fully comply with design guidance is the relationship of the proposed houses with the adjacent block at Nos. 1 - 9 Ashurst Close as this does contain 3 side windows, one on each floor, that would overlook the frontage of the application site. Although the nearest bay windows on one of the houses would be sited within approximately 19m of the side windows at Nos. 1 to 9, given that these windows would face onto a road where privacy would already be compromised and at a distance and angle sufficient to avoid any significant loss of privacy, an additional reason for refusal could not be justified on this ground. No objections were raised by officers. Members of the Inspector to a similar relationship with the previous scheme for a flatted block (66134/APP/2011/292 and 294 refer).

The Inspector did however raise concern as regards the overbearing impact of the previously proposed 3 storey flatted block on the rear garden of No. 9 Chester Close. The current scheme proposes a pair of two storey houses which have been turned through 90 degrees so that only a small length of the side elevation of the pair would adjoin this boundary. This revised relationship is considered to have overcome the previous Inspector's concerns.

The proposal is therefore considered to comply with policies BE20, BE21 and BE24 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2009).

7.09 Living conditions for future occupiers

The London Plan (July 2011) within Table 3.3 sets out minimum internal floor space standards for different types and sizes of dwelling. Although there is no recommended standard for a 5 bedroom, 3 storey house, for the largest size of 3 storey house, a 4 bedroom, 6 person, a minimum floor area of 113sqm is required. Paragraph 3.36 further advises that additional 10sqm should be added for each additional bedspace to give a minimum floor area of 153sqm, assuming all the rooms would be doubles. In this instance, the houses would have an internal floor area of 166sqm, so that the proposals comply with the Mayor's minimum floor space standards.

Furthermore, all habitable room windows would have a satisfactory outlook and receive adequate daylight.

The Council's SPD also advises that amenity space should be provided for houses at a minimum level of 100m² per unit and that space needs to be usable, attractively laid out and conveniently located.

The proposal would provide a minimum of 112m² for the northernmost property, exceeding the minimum stated requirements. The southernmost property would have a slightly greater amount of amenity space, but in both cases the rear amenity space would be dominated by the trees within the rear gardens of the properties beyond the site.

The Council's Trees/Landscape Officer advises that contrary to the applicant's arboricultural consultant's claims that this is a sustainable relationship, Ash trees are ultimately very large trees which will eventually dominate the proposed rear gardens, especially the southern-most one. Any future occupier would rightly be concerned about the close proximity of such large trees to their property and there would inevitably be pressure to heavily prune or remove the trees in the future.

It is therefore considered that the development would provide a satisfactory standard of residential amenity due to the quality of the external amenity space which would be overshadowed and dominated by the surrounding trees. As such, the scheme fails to comply with Policy BE23 of the Hillingdon Local Plan: Part 2 - Unitary Development Plan Saved Policies (November 2012).

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposal includes a detached double garage on the southern side of the houses, which would provide a covered parking space for each of the houses with an additional external space for each house provided on the garage forecourt. This arrangement is considered to be acceptable and would satisfy the Council's car parking standards which requires a maximum of 2 spaces per dwelling.

Cycle parking could be provided within the curtilage of each house.

As previously proposed, a replacement double garage for No. 94 Green Lane would be sited on the southern boundary of the site, adjacent to the front garden of No. 34 Ashurst Close. As previously stated in the officer's report to the North Planning Committee on 2/6/11, the garage would be somewhat remote from this property, sited on the southern side of the new development with no direct pedestrian link through the proposed development. Users of the garage would have a circuitous walk, along Ashurst Close, Hallowell Road and Green Lane to access the property at No. 94. However, it has been suggested that the garage would only be used occasionally and as there is already adequate off-street parking at No. 94 within their front garden area, an objection could not be sustained on the grounds that No. 94 would not have adequate replacement parking. The Inspector did not raise concerns with the previous proposal on parking grounds.

As such, it is considered that the scheme complies with Policies AM7 and AM14 of the Hillingdon Local Plan: Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7.11 Urban design, access and security

Urban design issues have been covered elsewhere in the report and with regard to access and security, had the application not been recommended for refusal, conditions would have been sufficient to ensure compliance with these requirements.

7.12 Disabled access

The London Plan (2011) requires all new residential development to satisfy Lifetime Homes standards and detailed guidance is provided by the Council's SPD: Accessible Hillingdon.

If the proposal had not been recommended for refusal, ensuring compliance with Lifetime Homes standards could have been dealt with by way of a condition.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

Policy BE38 of the Saved UDP requires development proposals to retain and utilise landscape features of merit and provide new planting wherever appropriate.

This site comprises the rear garden areas of adjoining properties and forms a small urban woodland of mostly young to middle-aged trees which significantly contributes to the arboreal / wooded character of the area which is viewable from surrounding roads and has a high group amenity value which should be afforded long-term retention and protection. The site is covered by TPOs 56, 57 and 653. The trees are predominantly Ash, some of which form a continuous line of trees along the site's southern and eastern boundaries, which surround a smaller group, and provide a buffer to the adjacent gardens.

The Inspector, in considering the scheme for a flatted block on this site noted that the proposal would involve the loss of a number of trees covered by TPOs which had been identified by the submitted arboricultural report as being mainly poorer quality spindly specimens. However, the proposed flats would also intrude into the canopies of retained trees, leading to pressure for their removal or significant crown reduction. The Inspector also noted that the trees were spindly due to growing close to others so that when neighbouring trees are removed, they would be susceptible to 'wind-blow'. This, and the shading caused by the trees would result in further pressure for their removal on safety and amenity grounds. The Inspector concluded on this issue:

'In sum, I consider the proposal would result in the unacceptable loss or threat to the welfare of protected trees on and adjacent to the site, which together form a small, suburban area of woodland that has a high amenity value.'

The current proposal for a pair of semi-detached houses would have a smaller building footprint than that of the flatted block. The Council's Trees and Landscape Officer advises that the current scheme would involve the loss of a young Bhutan Pine, a few small fruit trees and two protected Ash trees (T8 and T11 on the submitted arboricultural report). The officer advises that there is no objection to the removal of the Pine and fruit trees; but the removal of the two protected Ash trees will effectively remove the inner group of trees from the small urban woodland, and will result in the remaining trees forming only a staggered line of Ash along the site's eastern and southern boundaries.

The Trees and Landscape Officer also queries a number of statements and conclusions reached within the applicant's submitted arboricultural report. In particular, the officer considers that the larger of the Ash trees proposed for removal (T11 - which is formed from two, twin-stemmed Ashes - i.e. four main stems) which is described as having a very poor structure with weak forks present does have long term potential, particularly if appropriately managed. The officer also considers the second, smaller Ash (T8 on report) that has been earmarked for removal to have good form and has the potential to develop into a good, central tree.

The Trees and Landscape Officer also advises that a group of three Ash trees to the south-west of the proposed building (T12, T13 and T14 on report) are very important as they provide a visual buffer / green screen between the properties in Wychwood Way and Ashurst Close from those on this part of Green Lane. This group of trees, together with a linear group of trees along the site's eastern boundary, would cast shade onto the proposed rear gardens of the houses. The applicant's arboricultural consultant considers this to be a sustainable relationship because Ash trees only cast dappled shade and there are no significant windows on the southern side of the proposed building. However, the Council's Trees and Landscape Officer advises that irrespective of the type of crowns that

may develop, Ash trees are ultimately very large trees and will eventually dominate the proposed rear gardens, especially the southern-most one. Justifiably, any future occupier would be concerned about the close proximity of such large trees to their property and there would inevitably be pressure to heavily prune or remove the trees in the future. The Trees and Landscape Officer advises that this would be detrimental to the amenity value of the group of trees and the amenity of the area.

Furthermore, the Council's Trees and Landscape Officer advises that because this group of trees have all grown into maturity together and have provided mutual shelter during strong winds, the proposed removal of the inner group could affect the stability of the remaining Ash trees.

The Trees and Landscape Officer also advises that there are three protected Lime trees (T26, T27 & T28 on TPO 57) situated in the rear garden of 94 Green Lane. These trees fall just outside of the proposed site's northern boundary, however there is a possibility that construction-related activities / storage of materials could affect their root protection areas (RPA's) which has not been addressed by the tree survey / report.

There is a mature, protected Ash (T21 on the report / T35 on TPO 56) on the land to the south-west of 94 Green Lane, and there is also a group of three conifer trees (not protected) close to the entrance of the proposed development. These trees contribute to the arboreal / wooded character of the area and help to screen the properties in Ashurst Close from those in Green Lane. The applicant's arboricultural consultant (and the independent arboricultural consultant commissioned by the Ashurst Close [Flats] Ltd) states that the Ash (T21 / T35 on TPO 56) has a potentially weak fork at 1.5m; however this contention has not been substantiated. The lower part of the stem is covered in ivy, however when this was cut back, it revealed that although the stems are growing quite close together, the union appeared to be sound, and in any event, if it were shown that a weakness was present, the stems of the tree could be supported by installing non-invasive bracing, or the crown of the tree could be lightened in weight by pruning.

The proposed surfacing between the proposed building and garages has been placed very close to the protected Ash (T21 / T35 on TPO 56), as has the proposed garage, and although 'no dig' construction has been proposed, no further details have been provided to explain how the change in levels between the proposed 'no dig' surface and the surrounding, existing ground levels will be addressed. Furthermore, no information has been provided to show how the proposed garage will be constructed without causing damage to the tree and its roots.

The Trees and Landscape Officer concludes by advising that the proposed scheme is not acceptable as it fails to provide for the long-term protection of several trees on and off-site; does not take into account the future growth / size of three protected Ash trees and the loss of the trees forming the large part of the tree mass will have a detrimental impact on the green vista and arboreal / wooded character of the area. As such, the scheme is contrary to Policy BE38 of the Hillingdon Local Plan.

7.15 Sustainable waste management

Although there is no requirement for proposals for residential houses with their own curtilages to show the provision to be made for refuse and recycling storage, the submitted plans do show bin storage for two bins at the side of each house. This provision is considered adequate.

7.16 Renewable energy / Sustainability

If the proposal had not been recommended for refusal, ensuring compliance with

renewable energy requirements and sustainability standards could have been dealt with by way of a condition.

7.17 Flooding or Drainage Issues

Policy OE8 seeks to ensure that new development incorporates appropriate measures to mitigate against any potential increase in the risk of flooding. The site is not within a flood zone. A sustainable urban drainage condition could have been attached had the application not been recommended for refusal.

7.18 Noise or Air Quality Issues

It is considered that the proposal would not give rise to any additional noise or air quality issues of concern.

7.19 Comments on Public Consultations

As regards the points raised by the petitioners, Points 1 - 6 and 8 have been dealt with in the officer's report. As regards Point 7, the Inspector was considering a different scheme with a parking provision of 1 space per flat. The Inspector stated that this by itself would not justify a reason for refusal. The Inspector also agreed with the Council that the replacement garage would be highly inconveniently to use but did not raise this as an additional refusal to refuse the application.

As regards the individual comments, points (i), - (iv), (viii), (xiii) and (xix) are dealt with in the officer's report. Points (v), (xiv), (xvi), (xvii), (xviii), (xx) and (xxi) are noted but in the main do not raise specific material planning objections to the scheme and additionally in the case of point (xvi), a sustainable drainage condition could have been attached if the application had not of been recommended for refusal. Point (vi) is mainly dealt with in the report but as regards overlooking by the side bathroom window, this could be mitigated by obscure glazing which could of been conditioned had the application not of been recommended for refusal. Point (vii) is noted but restriction of a view is not by itself a material planning consideration. Point (ix) concerning site providing wildlife habitat, particularly for birds is noted and tree loss forms a reason for refusal of the application. As regards Point 10, noise generated for the proposal would not give rise to concern given the relationship of surrounding properties and the scale of the development. Point (xi) is noted but all applications have to be considered on their merits. Point (xii) does not raise a planning objection. As regards Point (xv), a contribution towards school places would have been sought if the application had been recommended for approval.

The points raised have been referred to throughout this report, where they are material planning considerations.

7.20 Planning Obligations

Policy R17 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) is concerned with securing planning obligations where appropriate to offset the additional demands made by new development upon recreational open space, facilities to support arts, cultural and entertainment activities, and other community, social and education facilities in conjunction with other development proposals. This is supported by more specific supplementary planning guidance.

It is considered that the scale and nature of development proposed would generate a potential need for additional school facilities and Education Services and this scheme would need to make a contribution to mitigate the impact of the development. As the application is being recommended for refusal, no detailed negotiations have been entered into with the prospective developer in respect of this contribution. Whilst the applicant has offered a willingness to provide such a contribution, there is no agreement in place to secure this and the proposal would thus not comply with Policy R17 of the UDP Saved

Policies (September 2007).

7.21 Expediency of enforcement action

There are no enforcement issues raised by this application.

7.22 Other Issues

The only other relevant planning consideration raised by this application is the likely impact of the proposal upon the development potential of adjoining rear garden land. Although the proposal would restrict access to a possible larger site, given that the proposal involving the loss of garden land is considered inappropriate, development upon a larger area of garden land would also not be encouraged. As such, it is considered that the scheme would not be contrary to Policy BE14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

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

Not applicable to this application.

10. CONCLUSION

The proposal would involve the loss of garden land which contains a number of trees and landscaping which contribute to the character and appearance of the surrounding area, part of which forms part of the Old Northwood Area of Special Local Character. The proposal also does not make adequate provision for the retention of trees on and adjacent to the site. The proposed rear amenity space would also be overshadowed and dominated to an unacceptable extent by retained trees which would result in additional pressure for

their removal. In the absence of a S106 Agreement, the scheme also does not make adequate provision for additional education space within the locality.

The application is recommended for refusal.

11. Reference Documents

NPPF (March 2012)

London Plan (July 2011).

Hillingdon Local Plan (November 2012).

Hillingdon Design and Accessibility Statement: Residential Layouts.

Hillingdon Design and Accessibility Statement: Accessible Hillingdon.

Hillingdon Planning Obligations Supplementary Planning Document July(2008) and updated chapter 4 Education (August 2010).

Council's Adopted Car Parking Standards (Annex 1, Hillingdon Unitary Development Plan, Saved Policies, September 2007).

Consultation responses

Contact Officer: Richard Phillips

Telephone No: 01895 250230



Appeal Decision

Site visit made on 15 August 2011

by E C Grace DipTP FRTPI FBEng PPIAAS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 August 2011

Appeal Ref: APP/R5510/A/11/2151527

Land rear of 94 & 96 Green Lane, Northwood HA6 1AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Alburgh Developments Ltd against the Council of the London Borough of Hillingdon.
 - The application Ref 66134/APP/2011/294 is dated 1/2/11.
 - The development proposed is the construction of 6 two bedroom flats and associated parking.
-

Decision

1. The appeal is dismissed.

Main Issues

2. In light of the Council's indication that they would have refused planning permission on four grounds, I consider the main issues are whether the proposal would: a) harm the character and appearance of the locality, which includes the Old Northwood Area of Special Local Character (ASLC); b) result in the unacceptable loss or threat to the welfare of trees on and adjacent to the site; c) give rise to additional kerbside parking with ensuing inconvenience to residents and dangers for users of the highway; and d) fail to make adequate provision by means of a legal agreement for educational requirements that would be generated by the intended occupants.

Reasons

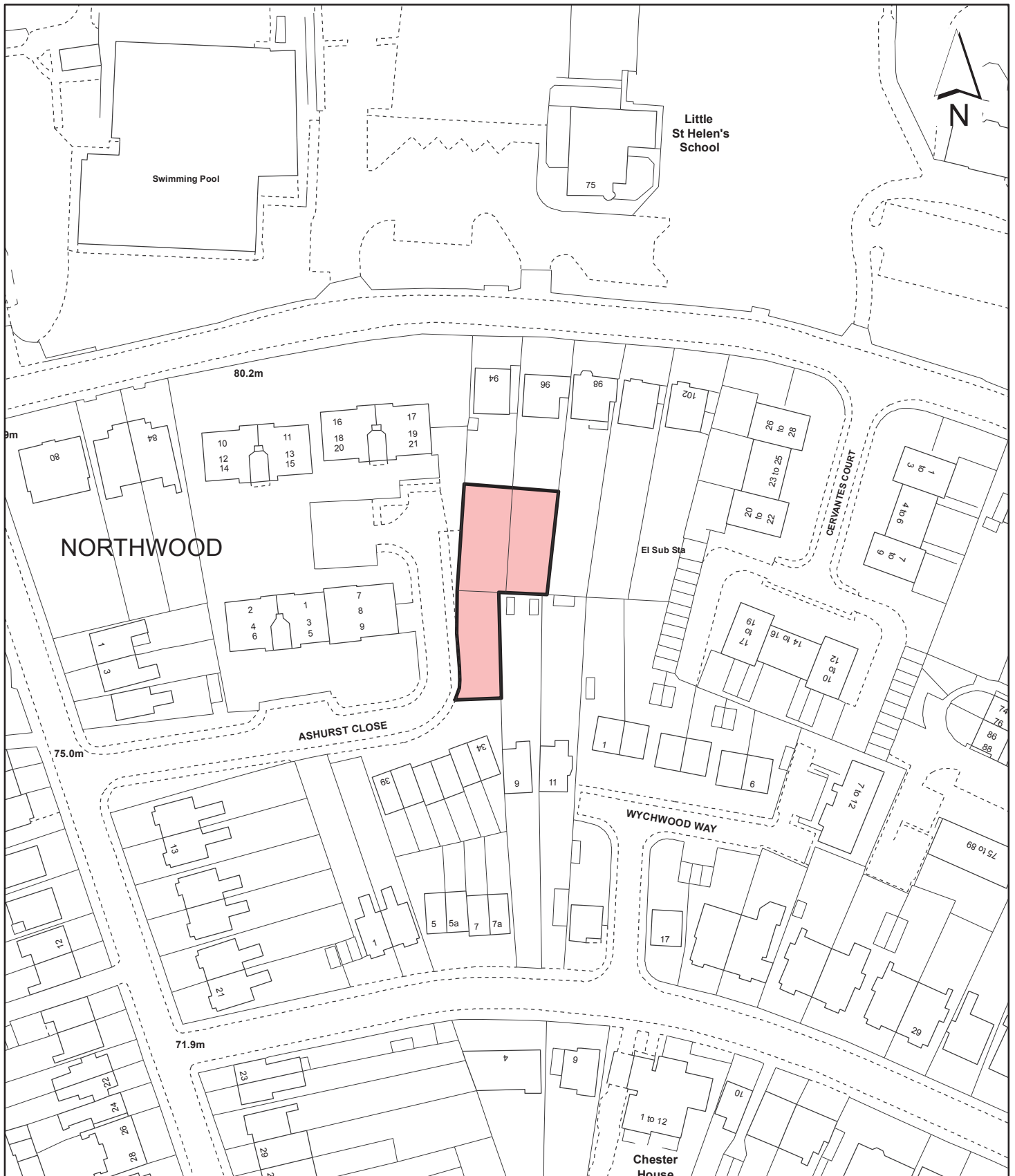
3. The site comprises the rearmost parts of the gardens of two large detached Edwardian houses and has within it the double garage of 94 Green Lane which has access onto Ashurst Close. The garden land is fenced and it contains a number of trees subject to Tree Preservation Orders (TPOs), which confers it with a predominantly wooded appearance. The narrower southern portion of the site currently has the appearance of an amenity space, being open to the road and mainly laid to grass. I understand it is a residual area following the construction of housing on the former rear gardens of 5 and 7 Chester Road and lies within the designated Old Northwood ASLC. The proposal would entail constructing a contemporarily designed three storey block of flats in the treed area, set at right angles to the road, while the grassed area is intended to accommodate the six car parking spaces for the proposed flats and a re-sited double garage for No.94. Bin and cycle stores would be positioned between the flats and the parking area. The land slopes down from north to south with an overall fall of approximately 3.83m.

4. Although the dwellings in the immediate vicinity of the site are widely varied in terms of their age, size, type and design, I consider the immediate setting is provided by the Georgian style 1960s development of flats in Ashurst Close. The development has a relatively spacious ambience due to its generous well-maintained landscaped setting, the incorporation of basement parking, and by the buildings being set back from the highway. The Council's Urban Design and Conservation Officer regards the orientation of the proposed flats as not addressing either the street frontage or the courtyard of the adjacent flats, and considers it would therefore relate poorly to the established layout of the area. The Council also state that the loss of open garden area from the dwellings would be detrimental to the spacious character of the locality and indicate the density of the flats would exceed the maximum recommended in the London Plan for a suburban area of this nature.
5. I agree that the presentation of a secondary façade to the highway combined with its close proximity to the road would be damaging to the street scene. Its harm would be compounded by the height and bulk of the building relative to its plot size and the loss of trees and open landscaping along an extensive length of Ashurst Close due to the structures and hard surfacing. The Council also criticises the design of the proposed flats regarding it as being mundane, with the shallow roof appearing disproportionate to the overall façade and the fenestration fussy and lacking cohesion. It is evident the modern design of the building would differ from the surrounding structures, but notwithstanding the wide variety of styles hereabouts, I agree that the layout, design and scale of the building does not reflect the urban grain or general architectural quality of the immediate surroundings. Accordingly, I find the proposal would harm the character and appearance of the locality and the Old Northwood ASLC.
6. In the second issue, it is apparent that the proposal would entail the removal of a number of trees which are subject to TPOs. The appellant has submitted an arboricultural report which describes the affected trees as being mainly poorer quality spindly specimens. Peripheral planting is to be retained to maintain a green appearance to the site and additional planting is proposed. Nonetheless, I saw that the proposed flats would intrude into the canopies of some of the trees shown to be retained, which would inevitably lead to pressure for either their removal or significant crown reduction. I observed that many of the trees were indeed spindly due to them having grown close to others, whereby, when neighbouring trees are removed they would be susceptible to "wind-blow" with the consequence again of pressure to remove them in the interest of safety. The Council's Trees and Landscape Officer has indicated that the trees are predominantly ash which is a large species and likely to lead to significant shading and thus also lead to increased pressure for their removal. In sum, I consider the proposal would result in the unacceptable loss or threat to the welfare of protected trees on and adjacent to the site, which together form a small, suburban area of woodland that has a high amenity value.
7. Turning to issue three, the appellant regards the provision of 1 car space per flat as adequate and indicates that it would fall within the Council's maximum standard of 1.5 spaces per flat. Whilst the Council agree that is correct they have highlighted that in a previous appeal in respect of a proposal for a 3 bed house on the site, the Inspector noted that the provision of less than 2 spaces would likely result in on-street parking. I saw that there is considerable local parking pressure and the lack of any parking for visitors would be likely to lead to residents' parking spaces being usurped for this purpose.

8. Whilst this factor on its own would not necessarily have been regarded as so severe to warrant refusal, I regard it as adding weight to the other two concerns, being likely to give rise to inconvenience to residents both in the proposed and nearby flats. In addition, I was advised that there are already hazards to road users due to the narrowness of the Close, the regular abuse of yellow line parking prohibition and obstruction of accesses. Additional demand on the limited available kerbside parking would further exacerbate an already fraught situation with attendant increased dangers for users of the highway. I also agree with the Council's observation that the proposed replacement garage for No. 94 would be very remote from the house and accessible only by an extremely circuitous route, rendering it highly inconvenient to use.
9. The fourth issue concerns the absence of any legal agreement for educational requirements that would be generated by the intended occupants. However, the appellant considers there is no justification for the Council's request for a sum of £15,788 as it relates to a potential need for additional school facilities and the Education Officer states that the measures to provide additional school places to meet rising demand are still in development. The Council highlighted UDP Policy R17 as the background to securing planning obligations in respect of provision of various infrastructure requirements, and Supplementary Planning Guidance containing justification for seeking education contributions. Although the appellant indicated that they would submit a Unilateral Undertaking to address this matter if it was the only unresolved issue, in the absence of any indication as to precisely where these monies would be applied, I cannot satisfy myself that the requirement is compliant with the three statutory tests in the Community Infrastructure Levy Regulations. Accordingly, I am unable to reach a definitive conclusion on this issue.
10. I have taken account of the views of local residents and other interested parties and I note that the Council assessed the distances between windows in the proposed flats and those in nearby properties, whereby they concluded that distances separating them would avoid any significant loss of privacy. Whilst that may be the case in terms of building to building views, I saw that the proposed flats would be positioned between 4m and 5.6m from the boundary of 9 and 11 Chester Road. I was afforded the opportunity to view the site from the adjoining garden of 9 Chester Road and I consider a three storey building of the mass proposed, situated on higher land so close to the boundary would be overbearing in appearance, while the car parking area adjacent to their flank boundary would lead to increased noise and disturbance. No. 9 has a summer house and associated sitting out area close to the boundary fence, which would be overlooked at close quarters by bedroom and kitchen/dining room windows in the first and second floors of the proposed flats. I conclude this would result in a considerable loss of privacy through actual or perceived overlooking and thus, the enjoyment of their garden would be seriously compromised.
11. For the reasons given above I conclude that the proposal would contravene UDP Policies BE13, BE19 and BE38 and that the appeal should be dismissed.

Edward Grace

Inspector



Notes

 Site boundary

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Site Address

**Land to the rear of
94 - 96 Green Lane
Northwood**

Planning Application Ref:

66134/APP/2012/718

Planning Committee

North

Scale

1:1,250

Date

**August
2013**

**LONDON BOROUGH
OF HILLINGDON**

Residents Services

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



HILLINGDON
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