

Report of the Head of Planning, Sport and Green Spaces

Address LAND REAR OF 41 & 43 THE DRIVE NORTHWOOD

Development: 2 x two storey, 4-bed, detached dwellings with associated amenity space and parking and installation of vehicular crossover

LBH Ref Nos: 68458/APP/2013/1405

Drawing Nos: 12/3265/11 A
12/3265/13
Tree Protection Plan Rev C
RC/LOC-PLAN
12/3265/10
12/3265/12
Design and Access Statement
Appendix to Design and Access Statement
Arboricultural and Planning Integration Report
Energy Statement

Date Plans Received: 29/05/2013 **Date(s) of Amendment(s):** 29/05/2013
Date Application Valid: 07/06/2013 07/06/0013
29/05/0013

1. **SUMMARY**

A previous application for 4 dwellings was refused on this site on the grounds of being backland development, detrimental to the verdant character of the area, loss of a significant number of trees, and failure to provide contributions towards the improvement of services and facilities.

This application seeks permission for the erection of 2 detached houses within an area of land to the rear of 41 and 43 The Drive, Northwood. The 2 houses would be accessed off the southern arm of Knoll Crescent.

The site is considered to be a backland development. In the light of recent changes in policy and guidance in relation to backland development, and given the harm that would be caused to the character and appearance arising from this development and its piecemeal nature it is considered that the development would be unacceptable.

The application is therefore recommended for refusal.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposed development would constitute a piecemeal form of backland development that would fail to maintain the open and verdant character and appearance of the surrounding area. The proposal is therefore contrary to Part One Policy BE1 and Part 2 Policies BE13 and BE19 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), and Policy 3.5 of the London Plan (July 2011).

2 NON2 **Non Standard reason for refusal**

The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development, including a contribution for education facilities. The scheme therefore conflicts with Policy R17 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Hillingdon Planning Obligations Supplementary Document (July 2008).

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 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.

AM7	Consideration of traffic generated by proposed developments.
AM8	Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
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.
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.
H4	Mix of housing units
H5	Dwellings suitable for large families
H6	Considerations influencing appropriate density in residential development.
H9	Provision for people with disabilities in new residential developments
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.5	(2011) Quality and design of housing developments (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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is situated to the rear of Nos. 41 and 43 The Drive. Though it should be noted that all of the application land is in the ownership of No. 43 The Drive, a currently vacant property. The site is oblong in shape, measuring 19.1m wide by 71.7m deep, and comprises the rear garden of No 41 The Drive and also extends to the rear of No. 43 The Drive. The site comprises of areas of lawn, trees and vegetation, has an overall area of 0.13Ha, can best be described as verdant in character, and is the subject of area TPO No. 124 which covers land at 35-49 The Drive.

It is worth noting that since the refusal of planning permission for a previous scheme, tree felling and general vegetation removal has been undertaken on the site. However, no protected trees have been removed.

The southern boundary of the site adjoins the southern arm of Knoll Crescent, which currently terminates in the form of a turning area adjacent to the site. Knoll Crescent is characterised by relatively modern properties of several different designs situated within a pleasant semi-urban environment.

The application site forms part of an area of generally wooded garden land which separates the northern and southern arms of Knoll Crescent.

The application site slopes down in an easterly direction from the host dwelling. Therefore the properties in Knoll Crescent [south] are at a considerably lower level than those in The drive.

Beyond the south eastern boundary is land designated as Green Belt and a Site of Interest for Nature Conservation.

3.2 Proposed Scheme

The application site remains the same as for the refused scheme but now only proposes 2 detached houses to be built within the rear garden area with access from Knoll Crescent, effectively forming an extension of the existing Knoll Crescent street scene. These properties would be on the same area as Plots 1 and 2 on the scheme previously refused. The remaining land to the east, previously known as Plots 3 and 4 is shown within the current application site but the application does not show the applicants intention for this area.

Each of the houses would be the similar in style and form. The ground floor would comprise lounge, study, utility room, kitchen and dining area. The first floor would provide 4 bedrooms and bathroom facilities; no accommodation is shown within the roof space. Each house would have two external parking spaces, hard standing for bins and rear amenity space. Plot 1 would have a rear amenity space of 60m² and Plot 2 would have 70m².

The properties would be similar in bulk and massing to the existing detached houses on the west side of Knoll Crescent, with external materials comprising of brick, tile hanging and tiled roof.

It should however be emphasised that the application fails to demonstrate how the scheme takes into account the sloping nature of the site.

The application is accompanied by a combined Design and Access/Planning Statement the conclusions of which may be summarised as follows:

- The open and verdant character of the area is retained.
- The scheme relates directly to the existing street scene.
- By only having development on the western side, the Council's previous objections regarding trees are directly addressed as the Council's previous concerns only related to Plots 3 and 4.
- The applicant has no objection to a planning condition securing funding towards educational and school places/community facilities.

Arboriculture and Energy statements have also been submitted.

3.3 Relevant Planning History

68458/APP/2012/779 Land Rear Of 41 & 43 The Drive Northwood

4 x two storey, 4-bed, detached dwellings with associated amenity space and parking and installation of vehicular crossover to front

Decision: 08-08-2012 Refused

Comment on Relevant Planning History

Under ref: 68458/APP/2012/779, planning permission was refused for the erection of 4 x two storey, 4-bed, detached dwellings with associated amenity space and parking and installation of vehicular crossover to front on the same area of land for the following reasons:

1.The proposed development would constitute backland development that would fail to maintain the open and verdant character and appearance of the surrounding area. The proposal is therefore contrary to Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007), and Policy 3.5 of the London Plan (July 2011).

2.The proposal would result in the loss of a significant number of trees (including protected trees)and would adversely impact on the green vista and arboreal character of the area. The proposal does not take into account the future growth / size of trees and the impact that this growth would have on the amenities of the proposed occupiers. The proposal therefore does not comply with Policy BE38 of the Adopted Hillingdon Unitary

Development Plan Saved Policies (September 2007).

3.The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development, including a contribution for education facilities. The scheme therefore conflicts with Policy R17 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Hillingdon Planning Obligations Supplementary Document (July 2008).

4. Planning Policies and Standards

Not applicable.

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:

- AM7 Consideration of traffic generated by proposed developments.
- AM8 Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- AM14 New development and car parking standards.
- 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.
- 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.
- H4 Mix of housing units
- H5 Dwellings suitable for large families
- H6 Considerations influencing appropriate density in residential development.
- H9 Provision for people with disabilities in new residential developments
- R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities
- HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
- LPP 3.5 (2011) Quality and design of housing developments
- 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

38 consultations have been undertaken which expired on the 16th July 2013 and site notices posted in both The Drive and Knoll Crescent. In addition the case officer as well as visiting the site and surrounding area, also visited one of the adjoining properties and took photographs from their property as requested.

15 letters of objection along with a petition with 62 signatures objecting to the scheme have been received along with a letter from the Right Honourable N Hurd MP who advises that he has been contacted by several extremely concerned constituents and trusts the application will be refused as was the case last year. The objections raised may be summarised as follows:

- (i) Does not address the previous grounds of refusal.
- (ii) Backland development.
- (iii) Loss of a significant number of trees.
- (iv) The scheme fails to address loss of privacy and traffic issues.
- (v) The scheme fails to maintain the open and verdant character and appearance of the area, contrary to Policy BE21.
- (vi) What will happen to the land left at the far end of the site?
- (vii) No assessment of flood risk.

Thames water Utilities advise as follows:

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. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk Water Comments With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Internal Consultees

Highways (Transportation and Traffic) advise that they have had regard to the very poor PtaI reading of 1a but consider two parking spaces per dwelling would be acceptable and therefore raise no objection subject to an Informative advising the applicant to contact the Council's Highways team in relation to the construction of the proposed vehicular cross overs.

The Environmental protection Unit advise that there would be no significant contamination issues.

They therefore have no objections subject to a planning condition requiring the minimisation of the risk of contamination from the garden and landscaped areas in accordance with Policy OE11.

The Tree/Landscape Officer advises as follows:

There are a number of mature protected trees at this site which significantly contribute to the amenity and arboreal character of the area in which they are situated. There were also several mature non-protected trees at the site; however these have recently been removed. The remaining trees are not particularly visible from the Drive; however, as a group of trees they are visible from parts of Knoll Crescent, which is where the access to the proposed development will be located. The extensive rear gardens (and the trees within in them) contribute to the amenity and arboreal character of the area and provide a green vista which should be retained. The group of trees, including several protected trees, situated mainly to the side (north-east) of 113 Knoll Crescent has a high (collective) amenity value.

Since the previous (withdrawn) application, the proposals have been significantly reduced in scale. The proposed plots 3 & 4 are no longer part of the application to develop the site, and this is where the majority of my previous concerns existed. The remaining trees on this part of the site will not be affected. The proposed plot 1 will be situated quite close to two large protected Ash (T40 and T41), however these two Ash have a history of pruning (crown reductions were last approved in 2010) and there is no reason why they should not continue to be managed in this way to provide a sustainable relationship between trees and property. An adequate level of tree protection has been proposed to protect these trees' root protection areas (RPA's) during construction. There are no tree constraints relating to the development of plot 2.

Scope for new planting? yes: The locations of several new trees has been shown on the plans. The specifications of the proposed trees and other landscape matters can be dealt with by condition. Conclusion (in terms of Saved Policy BE38): Acceptable, subject to conditions RES8 (implementation of proposed protection), RES9 (1, 2,4, 5, 6) and RES10.

ACCESS OFFICER

No objections, subject to the development providing level access in accordance with the building regulations and a condition to ensure full compliance with Lifetime Homes standards.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

As with the previous application, this proposal would represent backland development to which there have been recent changes to policy, as contained within both the London plan 2011 and the National Planning Policy Framework.

With regard to the London Plan, Policy 3.5 states that 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 LDF's introduce a presumption against development on back gardens where this can be locally justified.

The London Plan comments in Paragraph 3.34 comments 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 backgardens where locally justified by a sound local evidence base..."

It is considered that this proposal is clearly a backland development. The loss of the rear gardens and the impact of two new buildings on an otherwise green space, adjacent to the Green Belt and clearly visible from both public and private areas would be detrimental to the character of the area.

With a strong policy justification now in place to refuse such inappropriate and piecemeal development, the principle of this scale of residential development on this site is unacceptable. However, this in principle objection has to be considered against other planning policies and considerations as detailed below.

7.02 Density of the proposed development

The London Plan advises that Boroughs should ensure that development proposals achieve the maximum intensity of use compatible with the local context, design principles and public transport accessibility.

The proposed houses would result in a density of 15 units per hectare which is below the guidance set out in the London Plan. However, notwithstanding the in principle objection to the development the density of the proposed development is considered acceptable and would not materially affect the established density in the area. The development would, however, affect the character of the area.

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

The site is not within or adjacent a special character area.

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 Green Belt land although it is adjacent to it. However, given the existing built environment and its relationship with the boundary, it is considered on balance that there would be no adverse impact on the openness of the Green Belt. Where seen from within the adjoining Green Belt the buildings would be seen as a continuation of the Knoll Crescent properties. No Green Belt issues are therefore raised by this application.

7.07 Impact on the character & appearance of the area

As detailed elsewhere in this report, the proposed development would impact on the character and appearance of the area, resulting in the loss of an area of open space that contributes to the character of the area and the amenities of existing residents that surround the site.

This is particularly apparent from the end of Knoll Crescent, where the access to the proposed site would be created and the houses constructed. This area currently forms an essential break in the built form and an area of amenity that contributes to the street scene. It also provides a useful turning area for vehicles, emphasising its openness. The loss of this area to further buildings would harm this openness and amenity value. Similarly the open aspect from the rear of the properties in The Drive, including the donor property and No.41, would be lost.

The proposal would therefore fail to retain the open and green nature that is characteristic of the area, and would be contrary to Policies BE13 and BE19 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy 3.5 of the London Plan (July 2011).

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 maintained 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.

Whilst the proposed development would result in a change in character of the area, it is considered that there would be no material impact on the amenities of adjoining occupiers. Appropriate conditions could be imposed on any planning permission granted to ensure that there would be no adverse impact on the amenities of the adjoining occupiers, such as, for example through the provision of obscure glazing, or preventing the installation of roof extensions and dormers, or outbuildings.

The new buildings would be sited at a lower level than the properties in The Drive, similar to the existing relationship with other properties in The Drive and Knoll Crescent. The relationship between the new buildings with the properties adjacent in Knoll Crescent would also be satisfactory.

There would thus be no significant adverse impact in terms of loss of light or privacy, or overlooking or any overbearing impact or visual intrusion that would justify a refusal of planning permission.

In this respect the proposal is therefore considered to comply with Policies BE20, BE21 and BE24 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

7.09 Living conditions for future occupiers

London Plan Policy 3.5 states that LDF's should incorporate minimum internal space standards that generally conform with Table 3.3 - Minimum space standards for new development. The recommended minimum space standard for new 2 storey 4 bedroom 5 person houses is 100 sq m based on gross internal area. The Council's Supplementary Planning Document HDAS: Residential Layouts, paragraph 4.15 states that a minimum 92m² of internal floor space should be provided for a 2 storey 4 bed house in order to achieve satisfactory living conditions.

The proposal would meet these requirements with a floor area of approximately 142m² for each house. Furthermore, all habitable room windows would have a satisfactory outlook and receive adequate daylight.

The 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 side/rear amenity space meets these requirements and therefore would provide a satisfactory standard of residential amenity for future householders. The level of amenity space retained for the use of no.43 The Drive would also remain acceptable in accordance with the Council's guidance. As such, the scheme complies with Policies BE23 and BE24 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.10 Traffic impact, car/cycle parking, pedestrian safety

Two parking spaces are provided for each dwelling. This is considered satisfactory and in accordance with the Council's parking standards.

The Council's Highways Engineer raises no objection to the proposed parking and access arrangements (other than in respect of waste collection facilities). As such, it is considered

that the scheme complies with Policies AM7 and AM14 of the adopted Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012).

7.11 Urban design, access and security

Notwithstanding the in principle objection to the development and the impact of the development on the verdant character of the area the design of the houses and their relationship with each other, in their own right, are considered acceptable.

With regard to access and security, had the application not been recommended for refusal, conditions would have been sufficient to ensure compliance with the requirements of Policy BE18 of the adopted Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012) and the Council's Supplementary Planning Guidance on Community Safety by Design.

7.12 Disabled access

If the application had not been recommended for refusal, a suitably worded planning condition could have been added in respect of each dwelling to achieve Lifetime Homes Standard.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

No objections are raised subject to appropriate conditions.

7.15 Sustainable waste management

The houses would have individual bin stores and the future occupiers could bring their rubbish to the end of the proposed access drive on refuse collection day accordingly the waste management provision is not considered to raise a concern.

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. The Energy Statement submitted with the application indicates that the proposed houses would provide at least 20% of the developments energy demand from on-site renewable energy sources. This would be primarily through the use of an air sourced heat pump in this instance.

In this respect the proposal is therefore considered to comply with the policies of the adopted Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012) and Policy 5.3 of the London Plan (2011).

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

These are addressed in the main body of the report.

7.20 Planning Obligations

Policy R17 of the adopted adopted Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012) 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 need for additional school facilities and Education Services and this scheme would need to make a contribution to mitigate the impact of the development; to be calculated in accordance with the Council's Planning Obligations SPD.

As the application is being recommended for refusal, no detailed negotiations have been entered into with the prospective developer in respect of this contribution. Although, the applicant has indicated a willingness to provide such a contribution by planning condition only as no Unilateral Undertaking has been completed to ensure the application would comply with Policy R17 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) In the absence of such an undertaking and the unsuitableness of a planning condition as a mechanism to achieve this. The application is also therefore recommended for refusal for this reason.

Had the application been recommended for approval it would have also been liable to pay approximately £9,860.58 towards the Mayoral Community Infrastructure Levy.

7.21 Expediency of enforcement action

There are no enforcement issues raised by this application.

7.22 Other Issues

The other relevant planning consideration raised by this application are the likely impact of the proposal upon the development potential of adjoining rear garden land and the uncertainty of how the remainder of the application site is to be utilised, leading to a piecemeal form of development.

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 Local Plan: Part Two - Saved UDP Policies (November 2012).

Turning to the remaining land, given the lack of any certainty as to its function within the context of the overall application site, this leads to a poor, piecemeal and incongruous form of development and would result in further detriment to the character of the area.

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 and landscaping which contribute to the character and appearance of the surrounding area. The matter regarding loss of trees, raised in respect of the previous application is not an issue within the current proposal.

Although, the applicant has indicated a willingness to provide contributions by planning condition only, this is not considered the appropriate mechanism and as no Unilateral Undertaking has been completed no contributions can be assured, contrary to Policy R.17.

There is now a greater policy emphasis against back garden development such as this. It is considered that the development would be contrary to these policies.

For these reasons it is recommended for refusal.

11. Reference Documents

The adopted Hillingdon Local Plan: Part 1, Pt BE1 and Part Two -Saved UDP Policies (November 2012).

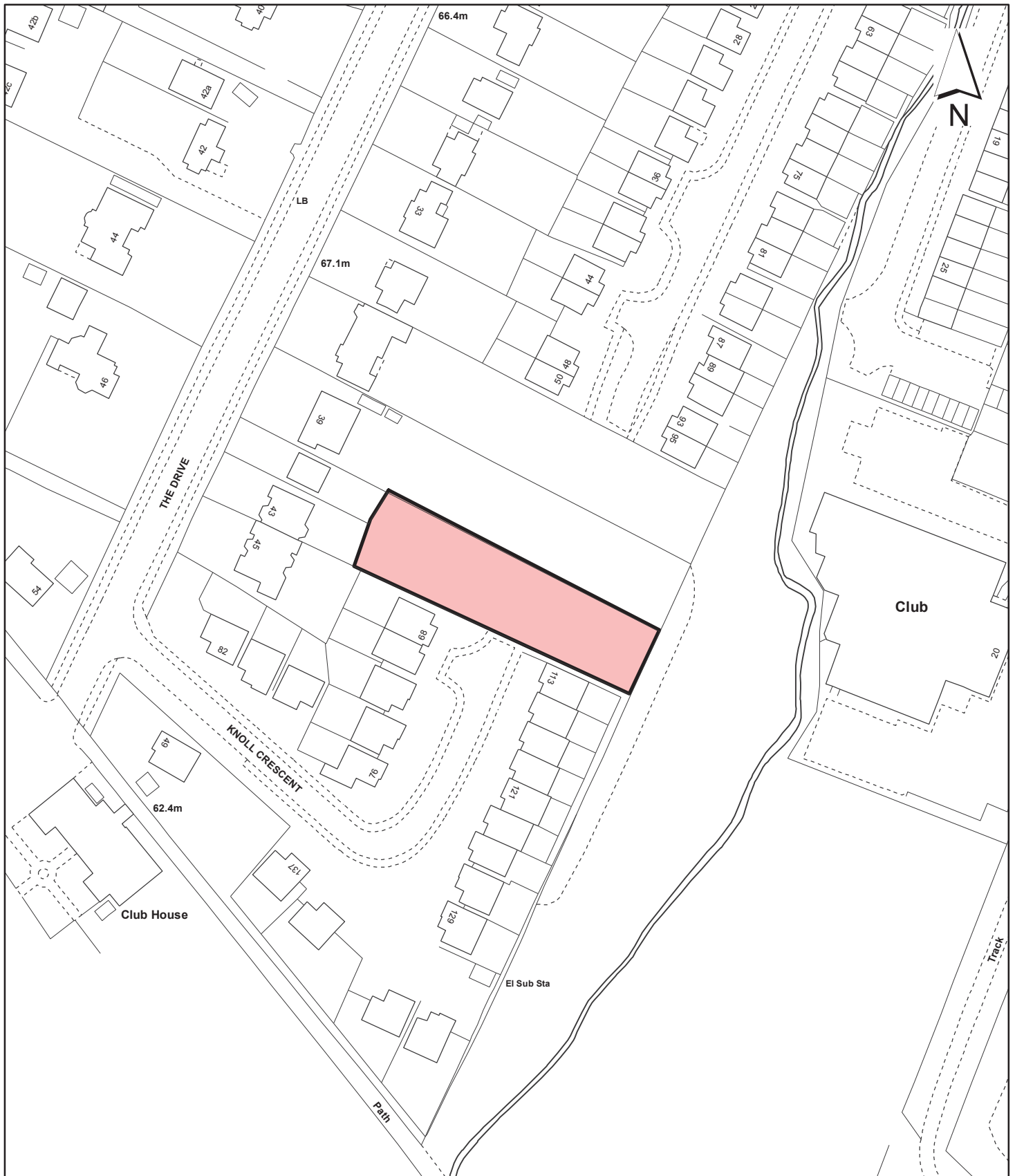
Hillingdon Unitary Development Plan Hillingdon Design and Accessibility Statement: Residential Layouts.



Hillingdon Design and Accessibility Statement: Accessible Hillingdon.

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

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<p>Notes</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 style="text-align: center;">Land rear of 41 and 43 The Drive Northwood</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Residents Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p style="text-align: center;">68458/APP/2013/1405</p>	<p>Scale</p> <p style="text-align: center;">1:1,250</p>	 <p>HILLINGDON LONDON</p>
	<p>Planning Committee</p> <p style="text-align: center;">North</p>	<p>Date</p> <p style="text-align: center;">July 2013</p>	