

Report of the Head of Planning, Sport and Green Spaces

Address 7 NICHOLAS WAY NORTHWOOD

Development: Two storey, 6-bed, detached dwelling with habitable roofspace involving demolition of existing dwelling.

LBH Ref Nos: 16461/APP/2013/1205

Drawing Nos: Deisgn Statement
Bat Survey
Tree Survey Report
Habitat Survey
Site Location Plan
S1
637/01 REV A
637/02 REV A
637/03 REV A

Date Plans Received: 13/05/2013 **Date(s) of Amendment(s):** 13/05/2013

Date Application Valid: 13/05/2013

1. **SUMMARY**

The application seeks planning permission for the erection of a two storey, 6-bed, detached dwelling with habitable roofspace involving demolition of existing dwelling.

The proposed dwelling, by reason of its overall size, classical design and large box form with crown roof is considered unacceptably out of keeping with the Area of Special Local Character. Furthermore, the loss of two significant Oak Trees is considered to undermine the reason for its designation as an Area of Special Local Character and the applicant has failed to provide a planning obligation towards improving educational facilities in the area. Therefore, the application is recommended for refusal.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 R5 **Design**

The proposed development, by reason of its bulk, depth, width, classical design and crown roof would be an incongruous addition to the streetscene and would cause harm to the character and appearance Copsewood Estate Area of Special Local Character. The proposal is, therefore, contrary to Part 1 Policy BE1 and Part 2 Policies BE5, BE13 and BE19 of the Hillingdon Local Plan (November 2012).

2 NON2 **Non Standard reason for refusal**

The proposal would, by reason of the loss of two protected Oak trees, result in harm to character and appearance of the Copsewood Estate Area of Special Local Character. The proposal is, therefore, contrary to Part 1 Policy BE1 and Part 2 Policies BE5 & BE38 of the Hillingdon Local Plan (November 2012).

3 NON2 **Non Standard reason for refusal**

The applicant has failed to provide contributions towards the improvements of services

and facilities as a consequence of demands created by the proposed development (in respect of education facilities). The scheme therefore conflicts with Policy R17 of the Hillingdon Local Plan (November 2012) and the Council's adopted Supplementary Planning Guidance on Planning Obligations.

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
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
BE5	New development within areas of special local character
BE6	New development within Gate Hill Farm and Copsewood Estates areas of special local character
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H3	Loss and replacement of residential accommodation
OE1	Protection of the character and amenities of surrounding properties

	and the local area
OE7	Development in areas likely to flooding - requirement for flood protection measures
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
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.2	(2011) Minimising Carbon Dioxide Emissions
LPP 5.3	(2011) Sustainable design and construction
LPP 7.2	(2011) An inclusive environment
LPP 7.3	(2011) Designing out crime
LPP 7.6	(2011) Architecture

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to a two storey semi-detached dwelling on the eastern side of Nicholas Way. The dwelling is a modest sized red brick house, with attractive semi-circular headed windows and porch. It is set within gardens to the side and rear containing many mature trees, all subject to Tree Preservation Orders (393 a1). The building is set 12.5 metres back from the front boundary line by an area of soft landscaping and an in-and-out drive, which provides space to park at least 2 cars. Adjacent to the side boundary line shared with No.9 Nicholas Way is a detached double garage. To the rear of the building is a large rear garden, containing a swimming pool.

The surrounding area is characterised by large detached dwellings set within spacious plots. The site is within a Developed Area and within the Copsewood Estate Area of Special Local Character, which is defined by asymmetric houses within the woodland setting. It is noted that a number of houses have been demolished and rebuilt, with the dwellings not approved at appeal being in keeping with the vernacular appearance of the estate.

3.2 Proposed Scheme

The application seeks planning permission for the erection of a two storey, 6-bed, detached dwelling with habitable roofspace involving demolition of the existing dwelling.

The proposed dwelling would measure 16.23 metres in depth, with the main two storey section of the dwelling being 18.45 metres in width. The building is proposed to have a single storey double garage on the southern elevation, which would measure 6.36 metres in width, giving the building a maximum width of 24.80 metres in width.

The proposed building would be in the classical style with a large crown roof and details such as a symmetrical frontage, box like plan, four two-storey classical pilasters, large

columned porch, ornate window heads and a large window to wall area ratio in the principal and rear elevations.

The existing driveway and crossovers would be retained and the swimming pool in the back garden would be infilled.

3.3 Relevant Planning History

16461/APP/2005/1753 7 Nicholas Way Northwood

PERMANENT RETENTION OF MOBILE HOME; VARIATION OF CONDITIONS 1 AND 2 OF PLANNING PERMISSION REF:16461/L/95/104 DATED 28/7/1995

Decision: 17-08-2005 Refused **Appeal:** 31-01-2006 Part Allowed

16461/APP/2005/2795 7 Nicholas Way Northwood

RETENTION OF MOBILE HOME ANCILLARY TO MAIN RESIDENTIAL DWELLING (APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF A PLANNING CONDITION)

Decision: 31-10-2005 Refused

16461/APP/2005/341 7 Nicholas Way Northwood

PERMANENT RETENTION OF MOBILE HOME TO VARY CONDITIONS 1 AND 2 OF PLANNING PERMISSION REF:16461/L/95/104, DATED 28/07/1995

Decision: 30-03-2005 Refused

16461/C/84/1100 7 Nicholas Way Northwood

Householder development - residential extension(P)

Decision: 27-09-1984 Approved

16461/E/84/1609 7 Nicholas Way Northwood

Residential development-1 units (Full) (P)

Decision: 12-12-1984 Approved

16461/F/85/0357 7 Nicholas Way Northwood

Erection of a retirement bungalow.

Decision: 27-10-1987 Withdrawn

16461/G/85/0722 7 Nicholas Way Northwood

Residential development-1 units (Full) (P)

Decision: 04-06-1985 ALT

16461/J/89/2434 7 Nicholas Way Northwood

Renewal of planning permission ref. 16461G/85/722 for the installation of mobile home type retirement bungalow

Decision: 09-03-1990 ALT

16461/K/94/0523 7 Nicholas Way Northwood
To fell 1 Hornbeam in Area A1 on TPO 393

Decision: 18-04-1994 Approved

16461/L/95/0104 7 Nicholas Way Northwood
Renewal of planning permission ref. 16461J/89/2437 dated 09/03/90; Retention of a mobile home

Decision: 28-07-1995 ALT

16461/TRE/2012/15 7 Nicholas Way Northwood
To carry out tree surgery (by reducing overhanging branches by 2-3m on eastern side) to one Oak tree in area A1 on TPO 393.

Decision: 22-03-2012 Approved

16461/TRE/2012/18 7 Nicholas Way Northwood
To carry out tree surgery, including the cutting back of branches by 2-3m on the northern side of crown that overhangs the rear garden of 2 Silverwood Close, to one Oak in area A1 on TPO 393.

Decision: 22-03-2012 Approved

Comment on Relevant Planning History

There have been a number of applications for planning permission and tree works at the site over the years, none of which impact upon the determination of the current application.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM8	Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
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OE1	Protection of the character and amenities of surrounding properties and the local area
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LPP 7.2	(2011) An inclusive environment
LPP 7.3	(2011) Designing out crime

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

6 neighbouring dwellings and the Northwood Residents Association were notified of the proposed development on 15th May 2013. These neighbours were re-notified of the proposed development on 12th June 2013 once amended plans were received with regards to the retention of the existing Oak Tree (T5) in the front garden. During the consultation periods, 4 responses in objection, 1 letter providing comments and a petition in objection with 61 signatures were received from neighbouring occupiers. These objections can be summarised as follows:

- i) Loss of privacy;
- ii) Inadequate provision / retention of Trees and Landscaping;
- iii) Harm to the character and appearance of the area;
- iv) The site falls within an area of Nicholas Way which is not adopted highway. Therefore concern is raised with regards to damage to the verges from work and vehicles entering and existing the site;
- v) Noise disturbance during building works.

The noise disturbance during building works does not form a material planning consideration. The other comments will be considered in the main body of the report.

Internal Consultees

URBAN DESIGN AND CONSERVATION

This is a modest sized red brick house, with attractive semi-circular headed windows and porch. It is set within gardens to side and rear containing many mature trees, all subject to Tree Preservation Orders. Pre-application discussions have taken place with other interested parties, but the presence of the trees, which frame the present house and provide a rich setting for it, has proved an issue.

This redevelopment scheme proposes a huge house in the classical style, with a single storey garage to one side, the built envelope filling the width of the property. This scheme would be completely inappropriate on grounds of scale, design and the adverse impact on the green setting of the property.

In particular: the design is in the classical style, out of keeping with the vernacular tradition of Nicholas Way. It would have a huge crown roof (rather than an arrangement of roof pitches) and classical details such as a symmetrical frontage, box like plan, four two-storey classical pilasters, large columned porch, ornate window heads and excessive window to wall area. This design is very similar to many other proposals for redevelopment on the estate, all of which have had permission refused.

Recommendation: Unacceptable

TREES AND LANDSCAPING

Tree Preservation Order (TPO) / Conservation Area: This site is covered by TPO 393 and also

within the Copse Wood Estate Area of Special Local Character (CWEAOSLC), which is characterised by large, mature trees set in large gardens.

Significant trees / other vegetation of merit in terms of Saved Policy BE38: Of the many trees situated within this site, only a few are visually important. These include the Oak in the front garden (T5 on tree report), the two Oaks to the side of the existing house (T7 & T8 on tree report), three Oaks in the rear garden (T9, T11 & T33 on tree report), and the general mass of trees at the end of the rear garden. These trees significantly contribute to the arboreal / wooded character of the CWEAOSLC and are discussed below:

Oak T5: Initially, this tree was classified as a C grade tree and shown to be removed; however the arboricultural consultant revisited the site after the trees had flushed into leaf in the spring and, due to its 'better than expected' condition, it has been re-classified as a B category tree and is now due to be retained. The proposed crown reduction by 1-1.5m is acceptable and may well help to reinvigorate the crown, which is currently suffering from some minor die back at its tips (the details of this minor pruning could be dealt with by condition to ensure the current British Standards (BS5837:2012) are adhered to). To protect the roots of this Oak during construction, temporary ground protection should be used within the tree's root protection area (this matter could be dealt with by an amendment to the plans or by condition).

Oaks T7 & T8: These two trees have been classified as C grade trees and have been shown to be removed to facilitate development. The arboricultural consultant considers the trees to be in decline and to have a remaining life expectancy of about 10-20 years. The trees are, admittedly, not in excellent condition, however they combine with others in the Copsewood locality to form the Sylvan character of the area, where Oaks form the backbone of the landscape, giving a sense of size and maturity within the tree population. Oaks also contribute to biodiversity (acting as host to a wide range of invertebrates), and it is considered that the tree contributes to the local biodiversity, visual amenity and landscape quality of the area, and that such amenity would be degraded if the tree were to be removed. Furthermore, 10-20 years is not an insignificant length of time in which to provide these locally appreciated benefits, and it could also be argued that the life expectancy of these trees is greater than 10-20 years.

There are several other Oaks in Nicholas Way in a similar condition (for example outside No. 33 and within the rear garden of 19 Copse Wood Way). Allowing the removal of Oaks T7 & T8 would likely set an undesirable precedent for removing other trees that are in less-than-excellent condition, which could lead to a risk of serious depletion of the tree stock with a resultant change in the character of the area. Such a change could have serious implications for the amenity value and enjoyment of local residents.

The consultant has not suggested a reason / causation for the slight loss of vigour in these two trees, and it is likely that light pruning and / or aeration of the surrounding soils could improve their health, which would allow them to be retained as mature landscape features for an extended period of time; the protected Oak at No. 8 Nicholas Way has been pruned for this very reason. Irrespective of the trees' health, there is scope / technology to either extend the existing property closer to the Oaks, or to slightly reduce the size of the proposed building to allow them to be retained. There would then be, if the trees were to prematurely die, adequate room to replace them with similar, large-growing trees.

Oaks (T9, T11 & T33). These trees are due to be retained and the proposed tree protection is adequate. However, it would be beneficial to demonstrate that there is adequate room within the non-protected areas of the site to accommodate machinery, storage of materials etc. as if this is not the case there would be an increased risk of the protective fencing being moved. It may be the case that temporary ground protection could be used to increase the size of useable space.

Other noteworthy trees: Not mentioned above is the group of Western Red Cedars along the front of the site (G1). These trees have a screening value, but they are not in good condition and are not protected and their removal would allow better views of the mature Oaks in the front garden and to the side of the house. There would be no objection to the removal of this group of trees, nor the other trees shown to be removed (for sound arboricultural reasons).

Landscaping: Assuming the above mentioned advice relating to the on-site trees is followed, it would be possible to deal with the matter of landscaping at a later stage.

Conclusion: The proposal makes inadequate provision for the retention, protection and utilisation of the protected trees of merit on the site. The proposal would therefore be detrimental to the visual amenity and arboreal / wooded character of the Copse Wood Estate Character, contrary to policy BE38 of the adopted Unitary Development Plan for the London Borough of Hillingdon.

ENVIRONMENTAL PROTECTION UNIT

No former contaminative uses have been identified. The applicant has indicated they will be employing a consultant to check the soil due to the sensitive nature of the development. The following soils condition is recommended on any permission that may be given.

Condition to minimise risk of contamination from garden and landscaped area

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

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The development seeks to demolish an existing dwelling and replace it with a larger one. Therefore it is considered to be a re-use of an existing Brownfield site and would result in an increase in the residential accommodation. Therefore, it is considered acceptable in principle and in compliance with Policy H3 of the Hillingdon Local Plan (November 2012) and the National Planning Policy Framework.

7.02 Density of the proposed development

The proposal seeks the replacement of a dwelling within a spacious plot with a larger dwelling. Given the size of the plot, that the proposal is for a single dwelling and that the character of the area is of large detached houses in spacious plots, density is not considered an appropriate indicator of acceptability in this instance.

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

The Copsewood Estate is characterised by large detached dwellings of asymmetric and vernacular style set within spacious plots amongst the protected trees. The current proposal is for a large detached dwelling, with a large crown roof in a classical style. Whilst the proposal would accord with Policy BE22, as the proposed building would retain a 1.5 metre gap to both side boundary lines, the overall proposal is considered wholly unacceptable in terms of design. The classical style with a symmetrical frontage, box like plan, four two-storey classical pilasters, large columned porch, ornate window heads and a large window to wall area ratio in the principal elevation would fail to adhere to any of the design principles which are prevalent on the Copsewood Estate. As such the design of the proposal is considered to cause unacceptable harm to the visual amenities of the Copsewood Estate and would be contrary to Policy BE5, BE13 & BE19 of the Hillingdon Local Plan (November 2012).

A number of dwellings have been approved at appeal on the Copsewood Estate which

have allowed crown roofs and some classical details. However, the vast majority are not as significant and classical as the current proposal and the over proliferation of this type of dwelling would significantly undermine the original context of the estate.

The Trees and Landscaping Officer has also objected to the proposal. The applicant has submitted amended plans, showing the retention of T5 which is a significant Oak in front of the dwelling. Whilst this retention is a positive step, the current proposal still does not address the loss of the Oak trees T7 & T8. The original settlement of the Copsewood Estate was trees set within the woodland. The loss of two significant Oak Trees is considered to undermine the reason for its designation as an Area of Special Local Character and would be contrary to Part 2 Policies BE5 & BE38 of the Hillingdon Local Plan (November 2012).

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

This is address in section 7.03 of the report.

7.08 Impact on neighbours

DAYLIGHT, SUNLIGHT & OUTLOOK

The proposed dwelling would be set 1.85 metres from the side boundary line shared with No.9 Nicholas Way, with the two storey element distanced a further 6.36 metres due to the single storey garage. Therefore, the proposal would result in no conflict of the 45 degree guideline and no unacceptable loss of light, loss of outlook or overshadowing to the occupiers of this neighbouring dwelling.

No.5 Nicholas Way is set approximately 8.3 metres from the side boundary line shared with No.5 Nicholas Way. Given this distance separation, the proposal would not cause any significant loss of loss of light, loss of outlook or overshadowing to the occupiers of this neighbouring dwelling.

PRIVACY

The development proposes a number of windows at first and second floor level which would overlook the neighbouring occupiers. However, these either service non-habitable rooms or are secondary windows, therefore, these could be conditioned to be obscured glazed. The outlook from the upper floors of the building would only overlook the neighbouring gardens and would not provide additional views which are not already available from the existing dwelling. Therefore, the proposal is not considered to cause unacceptable overlooking of the adjoining occupiers, in compliance with Policy BE23 of the Hillingdon Local Plan (November 2012).

7.09 Living conditions for future occupiers

INTERNAL FLOOR AREA

The proposal would provide 794 square metres of internal floor area. Therefore, sufficient internal floor area would be provided in accordance with Policy 3.5 of the Hillingdon Local Plan.

EXTERNAL AMENITY AREA

After the erection of the proposed dwelling, 2100 square metres of garden space would be retained. Therefore, sufficient private amenity space would be provided for the occupiers of the 7 bedroom dwelling, in accordance with Policy BE23 of the Hillingdon Local Plan (November 2012).

OUTLOOK AND SUNLIGHT

It is considered that all the proposed habitable rooms, and those altered by the development, would have an adequate outlook and source of natural light, therefore complying with Policy BE20 of the Hillingdon Local Plan (November 2012) and Policy 3.5 the London Plan (2011).

7.10 Traffic impact, car/cycle parking, pedestrian safety

CAR & CYCLE PARKING

The proposal includes a double garage measuring 12.6m by 12.6 metres. This garage would be off sufficient size to park two cars and two bicycles, in accordance with Part 2 Policies AM8 & AM14 of the Hillingdon Local Plan (November 2012) and the Council's adopted Car Parking Standards.

TRAFFIC IMPACT

A consultation response has been provided which highlights that this section of the highway is not adopted and is looked after by the residents. Ordinarily an informative would be added that any damage to the highways verge will be repaired by the applicant and the highways department would seek this to be completed. In this instance the highways department would not be able to seek this work to be completed and it could be argued that the applicant owns this land and would not be under any obligation to fix any damage done to this verge during building works. Therefore, a condition relating to a construction management plan would be sought by condition, to prevent damage to the privately owned highway verge.

7.11 Urban design, access and security

A condition relating to secure by design would be added to any approval to ensure adherence with the Secure By Design Principles.

There are no urban design or access issues to be addressed in the determination of the current application.

7.12 Disabled access

The proposed development does not demonstrate that all of the secure by design principles have been met. However, the layout of each room and the overall size of the building is sufficient to ensure that they could be incorporated and level access could be achieved. Therefore, this detail can be secure by way of condition.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

TREES AND LANDSCAPING

The Trees and Landscaping Officer has objected to the proposal. The applicant has submitted amended plans, showing the retention of T5 which is a significant Oak in front of the dwelling. Whilst this retention is a positive step, the current proposal still does not address the loss of the Oak trees T7 & T8. The submitted tree survey states that these trees would not have lifespan of longer than 10 to 20 years. However, the Trees and Landscaping Officer has questioned that this could be incorrect and the lifespan could be longer than 20 years. In either case, 20 years is still a significant period of time and the retention of these trees is seen as essential. The original settlement of the Copsewood Estate was set within the woodland. The loss of two significant Oak Trees is considered to undermine the reason for its designation as an Area of Special Local Character and would be contrary to Part 2 Policies BE5 & BE38 of the Hillingdon Local Plan (November 2012).

ECOLOGY

The applicant has submitted a bat survey and habitat survey by a qualified ecologist which

have checked the building and site for any ecological issues related to protected species. No evidence was found in either report of a protected species and no objections are raised in this regard.

7.15 Sustainable waste management

The applicant has not indicated the location of a bin store or bin collection point. However, these could easily be accommodated within the site and could be secure by way of condition.

7.16 Renewable energy / Sustainability

The applicant has provided some basic information with regards to sustainability in the Design and Access statement saying the building will achieve Code for Sustainable Homes Level 3. The Council requires Code Level 4 to be achieved and a design stage certificate will be sought by way of condition.

7.17 Flooding or Drainage Issues

The site is not within a Flood Zone and raises no flood risk concerns. Details of SUDS will be secured by way of a suitable condition.

7.18 Noise or Air Quality Issues

There are no noise or air quality consideration in the determination of this application.

7.19 Comments on Public Consultations

No further comments with regards to public consultations.

7.20 Planning Obligations

EDUCATION CONTRIBUTION

The applicant has not submitted any exiting floor plans as part of the proposal. The Hillingdon Supplementary Planning Document: Planning Obligations (July 2008) and Revised Chapter 4 (September 2010) requires any new dwelling which adds 6 or more habitable rooms to a site to provide a contribution towards educational facilities. In the absence of any floor plans it has not been possible to determine if 6 or more habitable rooms have been added. However, on the balance of probabilities it is considered that a 372 square metre increase in the floor area of the building is likely to have resulted in 6 or more habitable rooms to have been added. Therefore, a contribution toward educational facilities would be required and no legal agreement has been provided by the applicant. Therefore, the proposal is considered contrary to Policy R17 of the Hillingdon Local Plan (November 2012).

7.21 Expediency of enforcement action

Not relevant for this application.

7.22 Other Issues

No further issues for consideration.

8. Observations of the Borough Solicitor

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

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

(protection of property) and Article 14 (prohibition of discrimination).

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

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

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

9. Observations of the Director of Finance

None received.

10. CONCLUSION

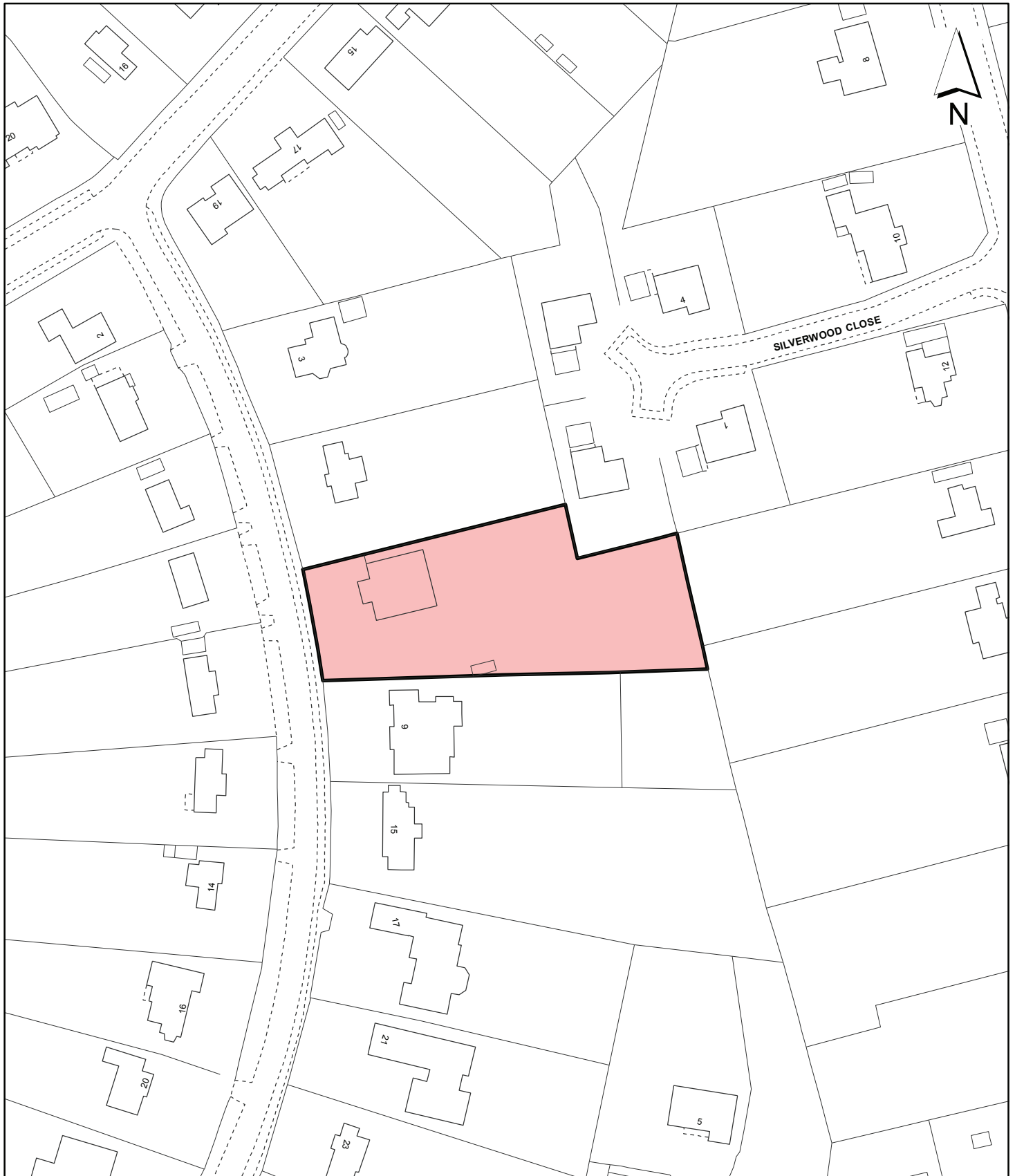
The proposed dwelling, by reason of its overall size, classical design and large box form with crown roof is considered unacceptably out of keeping with the Area of Special Local Character. Furthermore, the loss of two significant Oak Trees is considered to undermine the reason for its designation as an Area of Special Local Character and the applicant has failed to provide an obligation towards improving educational facilities in the area. Therefore, the application is recommended for refusal.

11. Reference Documents


Hillingdon Local Plan (November 2012);
The London Plan (July 2011);
National Planning Policy Framework;
Hillingdon Supplementary Planning Document: Planning Obligations (July 2008) and Revised Chapter 4 (September 2010);
Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006);
Hillingdon Design and Accessibility Statement: Accessible Hillingdon (May 2013);
GLA's Supplementary Planning Guidance - Housing.

Contact Officer: Alex Smith

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.
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Site Address

**7 Nicholas Way
 Northwood**

**LONDON BOROUGH
 OF HILLINGDON
 Residents Services**

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

Planning Application Ref:
16461/APP/2013/1205

Scale
1:1,250

Planning Committee
North

Date
**September
 2013**



HILLINGDON
 LONDON