

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

**Address** 15 NICHOLAS WAY NORTHWOOD

**Development:** Two storey 5 bed detached dwelling, involving demolition of existing dwelling

**LBH Ref Nos:** 16824/APP/2012/3220

**Drawing Nos:** 1107\_PL.211.a  
P8286J138/2012026 - Final v2.2  
1107\_PL.103  
Design & Access Statement  
1107\_PL.104  
1107\_PL.01  
1107\_PL.03  
1107\_PL.05  
1107\_PL.12  
1107\_PL.06  
1107\_PL.07  
1107\_PL.11  
1107\_PL.301  
1107\_PL.300  
1107\_PL.100  
1107\_PL.101  
1107\_PL.210  
1107\_PL.212  
1107\_PL.102  
Structural Engineer Report v2  
Tree Constraints Plan  
Tree Protection Plan  
Tree Schedule

**Date Plans Received:** 28/12/2012                      **Date(s) of Amendment(s):** 28/12/2012  
**Date Application Valid:** 04/01/2013                      21/03/2013

### 1. SUMMARY

The application seeks planning permission for the erection of a two-storey detached property to provide 5 bedrooms involving the demolition of the existing property.

Planning permission was refused 13 June 2012 ref.16824/APP/2012/883 for the erection of two storey 5 x bed detached dwelling, involving demolition of existing dwelling and installation of 2 x gates to front. This application was refused on several the grounds, including:

- \* the design, including roof form,
- \* the proposed gates being out of character with the surrounding area,
- \* impact to neighbouring dwellings,
- \* impact to protected trees and failure to provide a contribution towards educational facilities.

The applicant has sought to address the above by removing the crown roof profile and providing pitched roof profiles, omitting the gates from the scheme, agreeing to provide an educational contribution, providing adequate tree information and tree protection

measures and providing additional screening.

The Council's Urban Design/Conservation Officer and the Tree officer raise no objection to the current scheme. It is considered that the proposed development provides good quality accommodation, whilst harmonising acceptably with the Copse Wood Estate Area of Special Local Character. The current scheme does not unduly detract from the amenities of the surrounding residential occupiers.

It is considered that overall the scheme has addressed the previous concerns and reasons for refusal. As such the scheme is now recommended for approval.

## **2. RECOMMENDATION**

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

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

**a) A contribution of £12,796 towards capacity enhancements in local educational establishments made necessary by the development;**

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

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

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

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

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

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

**1 RES3 Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990

**2 RES4 Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1107\_PL.211.a, 1107\_PL.103, Design & Access Statement, 1107\_PL.104, 1107\_PL.01, 1107\_PL.03, 1107\_PL.05, 1107\_PL.12, 1107\_PL.06, 1107\_PL.07, 1107\_PL.11, 1107\_PL.301, 1107\_PL.300, 1107\_PL.100, 1107\_PL.101, 1107\_PL.210, 1107\_PL.212, and 1107\_PL.102e and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

**3 RES6 Levels**

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**4 RES7 Materials (Submission)**

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

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

REASON

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

**5 RES8 Tree Protection**

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

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.
2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the

fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details. The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

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

#### REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with policy BE38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

#### **6 RES9 Landscaping (car parking & refuse/cycle storage)**

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

##### 1. Details of Soft Landscaping

- 1.a Planting plans (at not less than a scale of 1:100),
- 1.b Written specification of planting and cultivation works to be undertaken,
- 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

##### 2. Details of Hard Landscaping

- 2.c Means of enclosure/boundary treatments
- 2.e Hard Surfacing Materials

##### 3. Details of Landscape Maintenance

- 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
- 3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

##### 4. Schedule for Implementation

##### 5. Other

- 5.a Existing and proposed functional services above and below ground
- 5.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

#### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13,

BE38 and AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of the London Plan (July 2011)

**7 RES10 Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'

Remedial work should be carried out to BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

**REASON**

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and to comply with Section 197 of the Town and Country Planning Act 1990.

**8 RES12 No additional windows or doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the side walls or roof slopes of the development hereby approved facing No.15 and No.17 Nicholas Way.

**REASON**

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

**9 RES13 Obscure Glazing**

The first floor windows facing facing No.15 and No.17 Nicholas Way shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

**REASON**

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

**10 RES15 Sustainable Water Management (changed from SUDS)**

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate how it follows the strategy set out in the Assessment, produced by Jomas dated 17 June 2013 Revision 2, and incorporates sustainable urban drainage in accordance with the hierarchy set out in Policy 5.15 of the London Plan and will:

i. Provide details of the surface water design including all suds features and how it will be implemented to ensure no increase in flood risk from commencement of construction and during any phased approach to building.

ii. Provide a management and maintenance plan for the lifetime of the development of arrangements to secure the operation of the scheme throughout its lifetime.

iii. Provide details of the body legally responsible for the implementation of the management and maintenance plan.

iv. Any overland flooding should be shown, with flow paths depths and velocities identified as well as any hazards.

The scheme shall also demonstrate the use of methods to minimise the use of potable water, and will:

v. Incorporate water saving measures and equipment.

vi. Provide details of water collection facilities to capture excess rainwater;

vii. Provide details of how rain and grey water will be recycled and reused in the development.

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

#### REASON

To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012) Policy 5.12 Flood Risk Management of the London Plan (July 2011) and Planning Policy Statement 25. To be handled as close to its source as possible in compliance with Policy 5.13 Sustainable Drainage of the London Plan (July 2011), and conserve water supplies in accordance with Policy 5.15 Water use and supplies of the London Plan (July 2011).

#### **11 RES16 Code for Sustainable Homes**

The dwelling shall achieve Level 4 of the Code for Sustainable Homes. No development shall commence until a signed design stage certificate confirming this level has been received. The design stage certificate shall be retained and made available for inspection by the Local Planning Authority on request.

The development must be completed in accordance with the principles of the design stage certificate and the applicant shall ensure that completion stage certificate has been attained prior to occupancy of each dwelling.

#### REASON

To ensure that the objectives of sustainable development identified in London Plan (July 2011) Policies 5.1 and 5.3.

#### **12 RES18 Lifetime Homes/Wheelchair Units**

All residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards. Further 10% of the units hereby approved shall be designed and constructed to be fully wheelchair accessible or easily adaptable for

residents who are wheelchair users, as set out in the Council's Supplementary Planning Document 'Accessible Hillingdon'.

#### REASON

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

#### **13 RES24 Secured by Design**

The dwelling(s) shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No dwelling shall be occupied until accreditation has been achieved.

#### REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (July 2011) Policies 7.1 and 7.3.

### INFORMATIVES

#### **1 I52 Compulsory Informative (1)**

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

#### **2 I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
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.
BE5	New development within areas of special local character
BE6	New development within Gate Hill Farm and Copsewood Estates areas of special local character
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
AM14	New development and car parking standards.
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
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
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 5.12	(2011) Flood risk management
LPP 6.13	(2011) Parking

### **3            147            Damage to Verge**

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

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

### **4**

You are advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy. The applicant will be liable to pay the Community Infrastructure Levy to the sum of £14,912.83 on commencement of this development (please note this amount may change on final calculation). A separate liability notice will be issued by the Local Planning Authority, however you are advised that it is your responsibility to notify the Local Planning Authority of the anticipated commencement date and any changes in liability through submission of the appropriate forms.

### **5            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 property accommodates a substantial two storey, detached dwelling sited on the eastern side of Nicholas Way. The building occupies the majority of the width of its plot, only enabling a pedestrian access to the side.

It comprises brick elevations with a hipped, tiled roof. Like the other houses in the area it is set within a substantial plot, with significant amounts of vegetation and trees that contribute to the setting of the building and the character of the area.

The existing house has a front garden area comprising a gravel in/out driveway with mature soft landscaping around the edges and central planted area, bounded to the highway by a hedge.

The rear garden is set at a slightly lower level than the property with steps down from a small patio at the rear of the house. The garden contains a significant number of trees and shrubs, particularly to the rear and along the side boundaries, some of which are in close proximity to the house.

There is a substantial one and two storey rear return to that part of the house closest to No.9, set at the same level as the garden. These elements appear to be an extension to the original house and have flat roofs with pitched tiles around the edges. The ground floor element extends slightly beyond the rear elevation of neighbouring property at No.9.

There are a number of windows to No.9 that face towards the application site. Similarly the property at No.17 extends considerably further back than the application property with several windows at ground floor level in the flank wall facing towards the application site. These are however generally screened by the closeboard fence and conifer trees along the southern boundary of the application site.

The street scene is residential in character and appearance comprising substantial two storey detached houses set in spacious plots. The houses are varied in style and form, with some recent additions and re-builds. However, this part of Nicholas Way is particularly verdant in nature with a mature landscape that contributed to the character of the area.

The application site lies within the Copsewood Area of Special Local Character and is within the developed area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### **3.2 Proposed Scheme**

The proposed development consists of the erection of a two-storey detached property to provide 5 bedrooms involving the demolition of the existing property. The property would measure 10.4m high x 23.9m wide x 19.4m deep. It should be noted that a basement is proposed.

The proposed dwelling would have an external footprint of approximately 380 sq metres, with a principal elevation having a width of 23.9 metres. The height of the dwelling would

be increased to a maximum height above ground level of 10.4 metres, from 8.25 metres of the existing dwelling.

Two parking spaces will be provided within a double integral garage.

The accommodation would be split on three floors comprising the following,

Basement:

- Cinema
- Games room
- Pool
- Gym

Ground floor:

- Double garage
- Living area
- Kitchen
- Dinning
- Family room
- Study

First Floor

- 5 en-suite bedrooms, all of which have walk in wardrobe areas
- Library
- Utility room
- Store
- Lounge

There is a net increase of approximately 10 habitable rooms on the site, taking into account the existing and proposed property. This is discussed further within the main report, within the Planning Obligations section.

The set-ins from the side boundary would be a minimum of 1.75m, which increases to 4.2m towards the rear of the southern extent of the site.

The overall width of the propsoed house would be reduced over the existing situation, by just over 1m. The position of the proposed building is such that set-ins from the side boundaries will be increased.

### 3.3 Relevant Planning History

16824/APP/2007/2486 15 Nicholas Way Northwood

ERECTION OF A SINGLE STOREY REAR INFILL EXTENSION (INVOLVING REMOVAL OF SMALL REAR ADDITION).

**Decision:** 08-10-2007 Approved

16824/APP/2012/883 15 Nicholas Way Northwood

Two storey 5 x bed detached dwelling, involving demolition of existing dwelling and installation of 2 x gates to front

**Decision:** 13-06-2012 Refused

16824/TRE/2002/87      15 Nicholas Way Northwood

TREE SURGERY TO CROWN REDUCE ONE OAK IN AREA A1 BY UPTO 30% AND  
CROWN LIFT TO PROVIDE A SEPARATION BETWEEN THE LOWEST BRANCHES AND  
GROUND LEVEL BY UPTO 4M ON TPO 393

**Decision:** 23-05-2003    Approved

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

Planning permission was refused 13 June 2012 ref.16824/APP/2012/883 for the erection of two storey 5 x bed detached dwelling, involving demolition of existing dwelling and installation of 2 x gates to front. On the following grounds:

1. The proposed house, by reason of its size, scale, bulk, siting, design and appearance would result in an overdevelopment of the site that would fail to satisfactorily integrate into the streetscene and the Copsewood Estate Area of Special Local Character. The proposal is therefore contrary to Policies BE5, BE6, BE13 and BE19 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2. The proposed development by reason of its size, scale, bulk, siting and projection to the rear beyond the adjoining properties would be detrimental to the amenities of the adjoining occupiers through loss of outlook and visual intrusion contrary to Policies BE19 and BE21 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

3. It has not been sufficiently demonstrated that the development could be undertaken with adequate provision for the protection and long-term retention of the trees (including protected trees) within the vicinity of the site, all of which contribute to the streetscene and the character of the Copsewood Estate Area of Special Local Character. The proposal would therefore be contrary to Policy BE38 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

4. The proposed metal gates, would by reason of their height and location on the front boundary would result in an overbearing and visually intrusive form of development, and as a result have an adverse effect on the character and appearance of the street scene and the wider Copsewood Estate Area of Special Local Character. Therefore the proposal would be contrary to policies BE5, BE13 and BE19 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

5. 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) and updated Education Chapter 4 (August 2010).

The applicant has sought to address the above by undertaking the following:

- i. Removing the crown roof profile
- ii. Providing pitched roof profiles

- iii. Omitting the gates from the scheme
- iv. Agreeing to provide educational contributions
- v. Providing adequate tree information and tree protection measures
- vi. Providing additional screening

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

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

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

- BE13 New development must harmonise with the existing street scene.
- BE19 New development must improve or complement the character of the area.
- 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.
- BE5 New development within areas of special local character
- BE6 New development within Gate Hill Farm and Copsewood Estates areas of special local character
- 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
- AM14 New development and car parking standards.
- 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
- HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
- 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 5.12 (2011) Flood risk management  
LPP 6.13 (2011) Parking

## **5. Advertisement and Site Notice**

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

## **6. Consultations**

### **External Consultees**

7 neighbours and the Northwood Residents Association were consulted on 7 January 2013 and a site notice was erected adjacent the site on the 11 January 2013. Subsequently further information was submitted by way of a Geotechnical Survey, additional amendments in relation to the landscaping and trees on site and additional drawings. Adjoining occupiers were notified of this on the 24 April 2013 and given 14 days in which to respond.

By the close of the second consultation period, 8 consultation responses (including one from the Northwood Residents Association) and a petition with 37 signatures in objection to the proposal had been received.

The letters of objection from the neighbouring occupiers can be summarised as follows:

- i) Overdevelopment of the site;
- ii) Harm to the character and appearance of the area;
- iii) Loss of trees;
- iv) Loss of privacy / overlooking;
- v) Increased flood risk from the proposed basement;
- vi) Overshadowing, loss of light, over-dominance;

The above points will be addressed in the main body of the report.

The Northwood Residents Association Comments are as follows:

Northwood Residents' Association objects to this application for the reasons previously given by the Council in the earlier refusal (Policies BE5, BE6, BE13 and BE19) and also because of potential non-compliance with Policy BE22 and because of the loss of trees on the property which the development would cause.

The NRA objects to this application on the grounds that the current submission fails to address the Schedule of Reasons laid out in the refusal of previous application 16824/APP/2012/883. Most notable amongst which is that by reason of size, scale, bulk, siting, design and appearance it would result in an overdevelopment of the site thus failing to integrate with the street scene. We are also concerned that senior members of the Council Planning Department should be acting in an advisory capacity to developers and that reference to this should be included in the submission

### **Internal Consultees**

TREE & LANDSCAPE OFFICER

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.

At the front of the property, there are three mature, protected Oaks. Two are situated along the site's front boundary and significantly contribute to the amenity and arboreal / wooded character of the CWEAOSLC. The other is located within the front garden (on-site), close to the south-western corner of the existing house. This Oak is in a poor condition and is due to be removed as part of the scheme; there is no objection to its removal, and there is very little room for a replacement tree in the front garden.

The front garden Oaks should be protected by way of fencing and/or ground protection. To the rear / side (south) of the existing property is a line of Leyland Cypress and several Ash.

If, a new green screen is provided to mitigate the visual impact of the proposed house, details should be submitted (species / size / numbers / planting methods (in quite a restricted area) etc). To the north-east of the existing house is a large, mature protected Oak (shown as T45). The upper crown of the Oak can be seen between the applicant's house and the neighbouring house (at 13 Nicholas Way). The Oak contributes to the amenity and arboreal / wooded character of the area and has a moderate amenity value. This Oak (T45) is situated very close to the house and has been pruned (reduced) before. The existing relationship between the tree and the house is reasonably good and sustainable.

Amended Plans and additional information have been received and agreed by the Trees Officer.

#### URBAN DESIGN & CONSERVATION OFFICER

BACKGROUND: This proposal for a replacement house has been the subject of a refusal of permission, and considerable post refusal discussion and negotiation.

Whilst the existing house is of no particular architectural merit and extends right across the width of the plot, it is relatively unobtrusive, being of modest height, with much ivy cover, and screened by a tall hedge and mature trees in the front garden.

The replacement house would be much deeper, but of narrower width, and although the ridge line would be substantially higher than the existing house, it has been designed with pitches rather than a crown roof, so that the proportions of roof to wall would be appropriate. The basement would be accessed from the rear only and there is sufficient space between the house and the boundary with No. 17 to plant an effective screen of vegetation. The front elevation is considered to have sufficient interest and be of proportions which would respect the street scene, although it would appear more imposing as the roof line would be substantially higher than the existing house. The rear elevation would be completely without merit in design terms, but this would not impact on the street scene or public viewpoints.

The retention of the front hedge and the mature trees in the front garden would be essential to the acceptability of this proposal.

#### ACCESS OFFICER

Following receipt of amended plans, the scheme is considered acceptable in disabled access terms. A condition should be imposed to secure life time homes standards.

#### FLOODRISK OFFICER

"The revisions provided allow me to withdraw my objection to this proposal on site. However I will request the following Suds condition to ensure that the recommendations within the report are provided at detailed design".

## Sustainable Water Management

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate how it follows the strategy set out in the Assessment, produced by Jomas dated 17 June 2013 Revision 2, and incorporates sustainable urban drainage in accordance with the hierarchy set out in Policy 5.15 of the London Plan and will:

- i. provide details of the surface water design including all suds features and how it will be implemented to ensure no increase in flood risk from commencement of construction and during any phased approach to building.
- ii. provide a management and maintenance plan for the lifetime of the development of arrangements to secure the operation of the scheme throughout its lifetime.
- iii. provide details of the body legally responsible for the implementation of the management and maintenance plan.
- iv. any overland flooding should be shown, with flow paths depths and velocities identified as well as any hazards.

The scheme shall also demonstrate the use of methods to minimise the use of potable water, and will:

- iii. incorporate water saving measures and equipment.
- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

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

## REASON

To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012) Policy 5.12 Flood Risk Management of the London Plan (July 2011) and Planning Policy Statement 25. To be handled as close to its source as possible in compliance with Policy 5.13 Sustainable Drainage of the London Plan (July 2011), and conserve water supplies in accordance with Policy 5.15 Water use and supplies of the London Plan (July 2011).

## BUILDING CONTROL OFFICER

Having reviewed the information submitted, at this stage there is no additional comments to be made in respects to Building Regulations.

The ground investigation report (Geotechnical Survey) reports no contamination in the ground which is a key factor we would be looking for.

## **7. MAIN PLANNING ISSUES**

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

The site is previously developed land in residential use, therefore there is no objection to the principle of the redevelopment of the site, indeed, this was established by the previous approval on the site.

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

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

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

As detailed in this report at Section 7.09 it is considered that the proposal would not adversely impact on the character of the Copsewood Estate Area of Special Local

Character.

#### **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**

Policy BE1 requires all new development to maintain the quality of the built environment including providing high quality urban design. Policy BE5 requires new developments within Areas of Special Local Character to harmonise with the materials, design features, architectural style and building heights predominant in the area. Policies BE13 and BE19 seek to ensure that new development complements and improves the character and amenity of the area.

As a result of considerable post refusal discussion and negotiation, the scheme is now supported by the Council's Conservation Officer and is considered appropriate, taking into account the setting of the site and the character and appearance of the existing property which lacks architectural merit.

The proposed roof would be higher than the existing roof, however it is considered that this design solution eliminates the need for a crown roof profile, and given the screening afforded by the trees and set-back from the frontage, the development would not appear conspicuous. In addition the extended roof provides an elongated appearance, and as noted by the Conservation Officer the proportions of the roof to the wall would be appropriate, which assists in reducing the width. Furthermore, although the proposed development is substantially deeper than the existing property, it would align with and respects the rear building lines of the adjoining occupiers; and would be narrower than the existing property. In addition, the proposed development would be set-in at least 1.5m from the side boundaries in order to maintain key visual gaps between the properties.

The proposed design incorporates contemporary design features and fenestrational details which adds visual interest into the streetscene. The basement area would not be visible from the front elevation and would therefore not intrude on the prevalent two-storey character of the streetscene.

It is therefore considered that the scheme now accords with Policies BE5, BE6, BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Paragraph 4.11 of HDAS Residential Layouts states that the 45° principle will be applied to new development to ensure the amenity of adjoining occupiers and future occupiers are protected. Paragraph 4.9 states that a minimum acceptable distance to minimise the negative impact of overbearing and overshadowing is 15m. Paragraph 4.12 requires a minimum of 21m distance between facing habitable room windows to prevent overlooking and loss of privacy.

The proposed development would not affect the 45-degree line of sight nor would it project beyond the rear of the nearest adjoining properties, as the rear building line is staggered to align with the rear building lines of the northern and southern adjoining occupiers.

The windows on the first floor side elevation would not serve habitable rooms and would be obscurely glazed. Furthermore, the first floor balcony would be adequately screened by



the existing trees on the boundary line and the proposed building, from the adjoining occupiers to the north and south and sited more than 21m away from the adjoining occupier to the west.

As such, the proposed development would maintain adequate separation distances from the adjoining properties and would not cause an undue loss of daylight, sunlight, visual intrusion or loss of privacy. It is therefore considered that overall the proposed development would not constitute an un-neighbourly form of development in accordance with Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Section 4.0 of HDAS Residential Layouts.

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

Paragraphs 4.6 to 4.8 and Table 2 of the Council's SPD HDAS: Residential Layouts advises that 5 bedroom two-storey units should have a minimum floor area of 101 square metres. Furthermore, London Plan Policy 3.5 and Table 3.3 states that 5 bedroom two-storey houses should have a minimum size of 107 square metres. The proposed development meets minimum standards providing approximately 1100 square metres of gross internal floor area. The Mayor's Housing Supplementary Planning Guidance (November 2012) requires the minimum area for a single bedroom to be 8 square metres and a minimum floor area for a double bedroom to be 12 square metres. The proposed dwelling complies with these standards.

HDAS advises in Paragraph 4.15 that four bedroom plus houses should have a minimum private amenity area of 100 square metres. The proposed development exceeds amenity standards by providing approximately 2000 square metres of private amenity space

It is therefore considered that the proposed development would provide a high standard of living for future occupiers in accordance with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 3.5 and Table 3.3 of the London Plan (2011), the adopted SPD HDAS Residential Layouts and the Mayor's Housing Supplementary Planning Guidance (November 2012).

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

It is considered that the proposal would not give rise to any concern regarding traffic impact or highway safety. Whilst the replacement dwelling is larger it would not result in any significant additional increase in traffic generation. The proposal would include 2 garage spaces which would provide sufficient parking for two cars and two bicycles in accordance with Policies AM8 & AM14 of the Hillingdon Local Plan Part Two: Saved UDP Policies and the Council's adopted Car Parking Standards (Annex 1).

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

See section 7.09.

#### **7.12 Disabled access**

It is considered that the use of a condition to secure Lifetime Homes Standards is acceptable in this instance as the proposed dwelling has a spacious interior which could accommodate the requirements.

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

Not applicable to this application.

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

This site is covered by Tree Preservation Order 393 and is also within the Copse Wood Estate Area of Special Local Character, which is characterised by large, mature trees set in large gardens. In particular there are three mature, protected Oaks at the front of the property. One of these trees is in poor condition and its removal is considered appropriate.

The Tree Officer has been in discussions with the applicant to ensure that the remaining trees are adequately protected due to the proximity of the proposed development to their root protection areas; adequate information and protection measures has now been provided. To the southern extent of the site is a line of Leyland Cypress and several Ash which is proposed to be removed, and replaced with Italian Cypresses. This is considered to be an acceptable solution by the Council's Tree Officer and would provide adequate screening between the application site and No. 17. As such the proposal would not conflict with Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Policy 5.6 of the London Plan requires development to have regard to and contribute to a reduction in waste produced. The location of refuse storage is not shown on the plans, however it is a common arrangement within the borough for refuse to be stored within the rear garden and taken to the kerb on collection day and the design and layout would clearly facilitate this arrangement.

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

Policy 5.3 of the London Plan requires the highest standards of sustainable design and construction in all developments to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. No detail information has been submitted with regards to achieving Code for Sustainable Homes, however, this could be secured by way of a suitable condition.

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

As the scheme proposes a basement it was necessary to consider the potential impact upon the property and surrounding area in terms of floodrisk. A Geo-technical report has been submitted which confirms the risks and identifies how they would be mitigated, in particular with regards to the groundwater which would impact on the surrounding area. The Council's Floodrisk Officer has reviewed and advised on iterations of the report and is now satisfied that the report and information are adequate. Furthermore, the Council's Building Control department have been consulted on the application in order to ascertain whether the proposed basement would pose any structural risks. However, it is considered that there are no additional comments to be made with regards to building control at this stage. Therefore it is considered that the proposed development complies with the Council's Floodrisk Policies OE7, OE8, OE9 and OE10 Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Not applicable to this application.

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

The issues raised are covered in the main report.

#### **7.20 Planning Obligations**

The proposed development is CIL liable, the existing floor area is 428 square metres and the proposed is 1140 square metres, therefore the net additional gross internal floor area is 712 square metres. Therefore there would be a requirement to make a CIL contribution to the sum of 14,912.83.

The proposed development would provide a total of 22 habitable rooms, and the existing property provides approximately 12 habitable rooms, therefore there would be a net increase of 10 habitable rooms which would trigger the requirement for Educational Contributions. The sum of £12,796 is sought which has been agreed by the applicant in accordance with Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies(November 2012).

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

Not applicable to this application.

#### **7.22 Other Issues**

Not applicable to this application.

### **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**

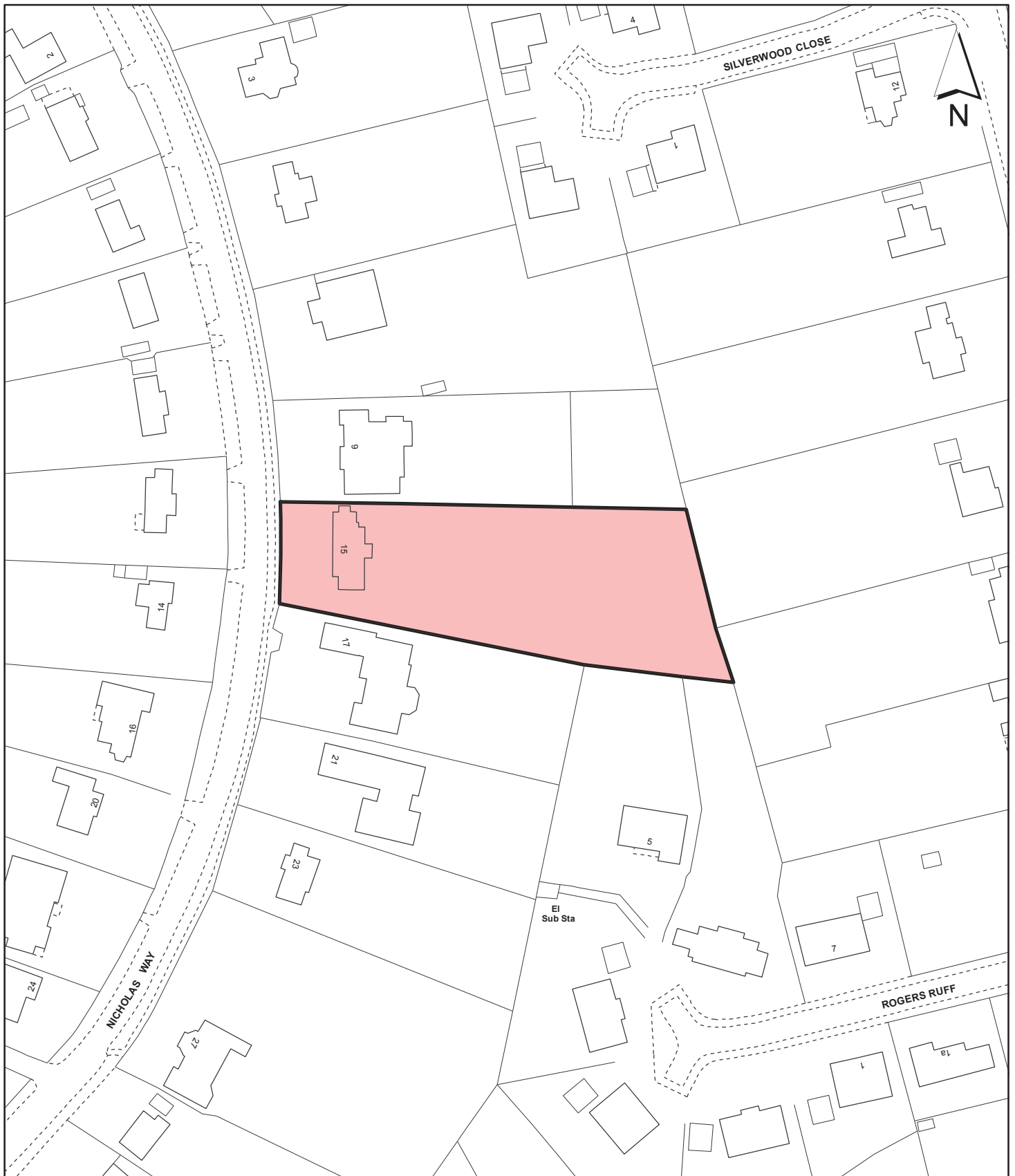
It is considered that overall the scheme has addressed the previous concerns and reasons for refusal. As such the scheme is now recommended for approval.



### **11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
HDAS: Residential Layouts  
The London Plan 2011  
The Mayor's Housing Supplementary Planning Document (November 2012)  
HDAS: Accessible Hillingdon  
National Planning Policy Framework

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<p><b>Notes</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2013 Ordnance Survey 100019283</p>	<p>Site Address</p> <p><b>15 Nicholas Way Northwood</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b></p> <p><b>Residents Services</b></p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>	
	<p>Planning Application Ref:</p> <p><b>16824/APP/2012/3220</b></p>	<p>Scale</p> <p><b>1:1,250</b></p>		 <p><b>HILLINGDON</b> LONDON</p>
	<p>Planning Committee</p> <p><b>North</b></p>	<p>Date</p> <p><b>September 2013</b></p>		