

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

**Address** LAND FORMING PART OF OAKHURST NORTHGATE NORTHWOOD

**Development:** Minor Material Amendment application (S73), seeking amendments to approved plans (siting and height) under condition 2 of planning permission ref: 67012/APP/2011/2712 (Appeal ref: APP/R5510/A/12/2175907 dated 14 November 2012) (Erection of two storey 5 bedroom, detached dwelling).

**LBH Ref Nos:** 67012/APP/2013/2040

**Drawing Nos:** Method Statement Version 2 - Revised 13th September 2012  
Tree Protection Plan, Rev. G, July 2013  
Agent's email dated 28/2/12  
P001/09 Rev. A  
Ecology Report, dated 24/09/10  
P001/03 Rev. C  
P001/08 Rev. E  
P001/07 Rev. C  
P001/04 Rev. D  
P001/05 Rev. D  
P001/02 Rev. D  
P001/01 Rev. A  
P001/06 Rev. F  
Ecology Plans  
Tree Constraints Plan, Rev. A, Nov. 2011  
Arboricultural Survey, dated 13/10/11  
Design & Access Statement  
Arboricultural Implications Assessment, dated 17/11/11

<b>Date Plans Received:</b>	19/07/2013	<b>Date(s) of Amendment(s):</b>	28/02/2012
<b>Date Application Valid:</b>	19/07/2013		24/02/2012
			07/11/2011
			19/07/2013
			08/02/2012

### 1. SUMMARY

Members may recall a number of applications to erect a new house on this site, which originally formed part of the side garden for 'Oakhurst', a locally listed building on the adjoining site and a replacement house for 'Oakhurst', which have now both been approved. The most recent application was for a replacement house at Oakhurst, presented to the North Planning Committee on 25/6/13 (Ref: 30779/APP/2013/539), whereas on this site, the most recent application was presented to the North Planning Committee meeting on 22/6/12 (Ref: 67012/APP/2011/2712). Although Members resolved to refuse permission for a new house on this plot had an appeal for non-determination not of been lodged, the Planning Inspector allowed the appeal by letter dated 14/11/12.

This application seeks to make the following amendments to the scheme approved at appeal:

- (i) Setting back the house a further 1.3m on its plot, increasing the set back from Northgate from 10.0m to 11.3m,

- (ii) Re-configuring the front garden layout,
- (iii) Squaring off the basement at the front of the house, reducing its overall size,
- (iv) Re-positioning the side wing of the house further towards its rear,
- (v) Increasing the main ridge height of the house by approximately 300mm, and
- (vi) Minor internal alterations.

These amendments are not considered to significantly alter the scheme considered acceptable by the Inspector at appeal. The Council's Conservation/Urban Design Officer, Tree/Landscape Officer and Highway Engineer raise no objections to the changes. The nearest part of the house would still be sited over 30m from the front elevations of the nearest adjoining properties at Bothkennar and High Trees and any views would be screened by the mature trees and shrubs on the boundary.

The application is recommended for approval, subject to conditions and a S106 Agreement/Deed of Variation to secure a commensurate education contribution.

## **2. RECOMMENDATION**

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

**(i) A financial contribution of £12,796 for education facilities and places**

**2. That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in the preparation of the S106 Agreement/Deed of Variation and any abortive work as a result of the agreement not being completed.**

**3. 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.**

**4. That if the application is approved, the following conditions be attached:**

**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 P001/01 Rev. A, P001/02 Rev. D, P001/03 Rev. C, P001/04 Rev. D, P001/05 Rev. D, P001/06 Rev. F, P001/07 Rev. C and P001/08 Rev. E 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 of the BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**4 RES7 Materials (Submission)**

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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 RES12 No additional windows or doors**

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

REASON

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

**6 RES13 Obscure Glazing**

The ancillary window to Bedroom 1 and the en-suite shower room to Bedroom 2 facing 'Oakhurst' 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 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**7 NONSC Non Standard Condition**

Prior to the commencement of works on site, details of a privacy screen to the rear balcony to prevent the overlooking of 'Oakhurst' shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the screen shall be permanently retained thereafter.

REASON

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

**8 NONSC Boundary Treatment**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and thereafter maintained.

**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).

**9 RES23 Visibility Splays - Pedestrian**

The access for the proposed car parking shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.

**REASON**

In the interests of highway and pedestrian safety in accordance with Policy AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**10 NONSC Arboricultural Method Statement and Tree Protection Plan**

The development shall be implemented in accordance with the recommendations of the Merewood Arboricultural Consultancy Services Method Statement, dated 17/7/13 and Tree Protection Plan Rev. G dated July 2013. No development shall commence on site until the tree protection fencing shown on Tree Protection Plan Rev. G has been erected.

**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 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**11 NONSC Landscape Plan**

Prior to the commencement of the development hereby permitted, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a planting specification, trees and hedges to be retained, surface materials, and programme of implementation. The landscaping scheme shall be implemented in accordance with the approved details and the programme of implementation. Any trees or shrubs that fail within 5 years shall be replaced on a like for like basis, or as otherwise first agreed in writing with the Local Planning Authority.

**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 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**12 NONSC Ecological Protection/Enhancement Scheme**

Prior to the commencement of development, a scheme for the protection and enhancement of the ecological value of the site and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and the

programme of implementation.

#### REASON

In order to encourage a wide diversity of wildlife on the existing semi-natural habitat of the site in accordance with Policy 7.19 of the London Plan (July 2011) and Policy EC5 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

#### **13 RES15 Sustainable Water Management (changed from SUDS)**

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

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

#### REASON

To ensure the development does not increase the risk of flooding in accordance with Policy OE8 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (July 2011) Policy 5.12.

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

The residential unit hereby approved shall be built in accordance with Lifetime Homes Standards, as set out in the Council's Supplementary Planning Document HDAS: 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

#### **15 RES16 Code for Sustainable Homes**

The dwelling(s) shall achieve Level 3 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 are achieved.

## 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.

NPPF1

NPPF6

NPPF7

NPPF10

NPPF11

NPPF12

LPP 3.1 (2011) Ensuring equal life chances for all

LPP 3.3 (2011) Increasing housing supply

LPP 3.4 (2011) Optimising housing potential

LPP 3.5 (2011) Quality and design of housing developments

LPP 3.8 (2011) Housing Choice

LPP 5.3 (2011) Sustainable design and construction

LPP 5.13 (2011) Sustainable drainage

LPP 7.2 (2011) An inclusive environment

LPP 7.4 (2011) Local character

BE5 New development within areas of special local character

BE6 New development within Gate Hill Farm and Copsewood Estates areas of special local character

BE10 Proposals detrimental to the setting of a listed building

BE13 New development must harmonise with the existing street scene.

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE22 Residential extensions/buildings of two or more storeys.

BE23 Requires the provision of adequate amenity space.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.



EC2	Nature conservation considerations and ecological assessments
EC5	Retention of ecological features and creation of new habitats
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008

### **3            I1            Building to Approved Drawing**

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

### **4            I2            Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

### **5            I5            Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

### **6            I6            Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

### **7            I15            Control of Environmental Nuisance from Construction Work**

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

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

Sundays, Bank or Public Holidays.

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

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

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

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

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site lies on the south side of Northgate and forms a corner site which previously formed part of the side garden area and curtilage of 'Oakhurst', before being separated by a fence and used as a builders compound in connection with the building of two new houses at the rear of Oakhurst, which are now completed and occupied. Oakhurst is a locally listed timber framed Tudor vernacular style, detached 4-bedroom house which is currently vacant and in a poor state of repair.

To the west, there is an access road which serves the adjoining properties of 'High Trees' and 'Bothkennar'. Northgate and the surrounding area forms part of the Copsewood Estate Area of Special Local Character which is characterised by large detached houses on substantial, typically verdant plots. The site is also covered by Tree Protection Order (TPO) 173.

#### **3.2 Proposed Scheme**

This proposal seeks various amendments to a scheme which was approved at appeal on 14/11/12 (App. No. 67012/APP/2011/2712 refers). The amendments include:-

- (i) Setting back the house a further 1.3m on its plot, increasing the set back from Northgate from 10.0m to 11.3m,
- (ii) Re-configuring the front garden layout,
- (iii) Squaring off the basement at the front of the house, reducing its overall size,
- (iv) Re-positioning the side wing of the house further towards its rear,
- (v) Increasing the main ridge height of the house by approximately 300mm,
- (vi) Minor internal alterations, including replacing library with bathroom and bathroom with en-suite shower room on the first floor.

The applicants advise that setting the house slightly further back would assist with improved manoeuvring and parking space for vehicles to the front of the approved dwelling and improve the setting of both the dwelling and the replacement dwelling on the neighbouring plot at Oakhurst. In addition, a very small increase in ridge height is proposed to allow for increased internal head height.



### **3.3 Relevant Planning History**

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

A number of planning applications have been submitted in the past for the residential redevelopment of this and adjoining sites which once formed part of the original curtilage of Oakhurst, one of which for two houses at the rear of Oakhurst has now been implemented and the houses occupied.

More recently, two applications were submitted, one to erect a new house at the side of Oakhurst (Ref. 67012/APP/2010/1107) and one for the replacement of Oakhurst (Ref: 30779/APP/2010/1108). Subsequent appeals were both originally dismissed by the Planning Inspectorate, with the Inspector's decision letter of 3/2/11 stating that the proposed new house would leave Oakhurst with a much reduced garden area that would be overshadowed and therefore likely to lead to the indirect loss of a protected Oak tree (T29) within its retained rear garden. The Inspector's decision was judicially reviewed, but it was upheld.

A further application for a new house on the side of Oakhurst (67012/APP/2011/2712) was submitted, but in considering the subsequent appeal, the Inspector took a different view from her predecessor and allowed the appeal on 14/11/12.

Approval has also been granted on 24/5/13 to fell an Oak tree which is in decline (T28 on TPO 173) at the side of Oakhurst (67012/TRE/2013/17).

### **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.H1 (2012) Housing Growth
- PT1.HE1 (2012) Heritage
- PT1.BE1 (2012) Built Environment
- PT1.EM1 (2012) Climate Change Adaptation and Mitigation
- PT1.EM6 (2012) Flood Risk Management
- PT1.EM7 (2012) Biodiversity and Geological Conservation
- PT1.EM8 (2012) Land, Water, Air and Noise
- PT1.C11 (2012) Community Infrastructure Provision
- PT1.39 To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.

Part 2 Policies:

- NPPF1
- NPPF6
- NPPF7

NPPF10	
NPPF11	
NPPF12	
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 5.3	(2011) Sustainable design and construction
LPP 5.13	(2011) Sustainable drainage
LPP 7.2	(2011) An inclusive environment
LPP 7.4	(2011) Local character
BE5	New development within areas of special local character
BE6	New development within Gate Hill Farm and Copsewood Estates areas of special local character
BE10	Proposals detrimental to the setting of a listed building
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
EC2	Nature conservation considerations and ecological assessments
EC5	Retention of ecological features and creation of new habitats
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008

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

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

## **6. Consultations**

## External Consultees

43 neighbouring properties have been consulted, a site notice was displayed on 19/9/13 and the Northwood Residents' Association have been consulted.

A petition with 21 signatories has been received, stating:

'We the undersigned do not agree to this 2 storey house being built as it is not in keeping with the rest of the houses in the road. We would also point out that this saga of Oakhurst has been on going since July 2006 when Banner Homes wanted to build 4 new houses on this plot, which you turned down, they then applied for 3 dwellings to be built you also turned this down, Banner Homes applied to have 2 houses built on the plot which you agreed and they were built and are occupied. If this house is allowed to be built they will have got round your earlier refusal to build 3 new houses and we believe that they are planning a 4th house which you originally turned down.'

## Internal Consultees

CONSERVATION/URBAN DESIGN OFFICER:

Background: The application proposes a set back on the site of about a metre and a small increase in the height of one of the roof ridges. Neither would materially affect the acceptability of this approved development.

Recommendations: Acceptable

TREES/LANDSCAPE OFFICER:

There are no trees/landscape objections to this minor amendment to move the approved building by, what appears to be, about 1m further north.

HIGHWAY ENGINEER:

No objection.

## 7. MAIN PLANNING ISSUES

### 7.01 The principle of the development

The acceptance of the principle of providing a house on this site has already been established by the allowing of the previous appeal by the Planning Inspector (Ref: 67012/APP/2011/2712). There has been no change in site circumstances or planning policy to suggest that the residential re-development of this site is no longer acceptable.

### 7.02 Density of the proposed development

The proposed alterations do not alter the unit or habitable room density of the scheme which was previously considered acceptable by the Planning Inspectorate.

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

The Council's Conservation/Urban Design Officer advises that the proposed alterations are not extensive and would not have any material significance for the scheme or its impact upon historical assets.

### 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 located within or close to the Green Belt so the proposals raise no implications for the openness of the Green Belt.

### 7.06 Environmental Impact

The re-positioning of the proposed house 1.3m further back on its plot and the rearward

re-siting of the side wing of the house would not have any material impact on the ecology of the site. The condition attached by the previous Inspector, requiring a scheme for the protection and enhancement of the ecological value of the site and a programme of implementation to be submitted is recommended to be attached to any new permission.

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

There is no well defined building line along this part of Northgate. Setting back the house a further 1.3m on its plot would bring the siting of this property more in line with that of Oakhurst and its approved replacement. As such, no objections are raised to the revised siting.

The other alterations to the proposed house such as setting back the side wing and raising of the main ridge height by some 300mm would not have any discernible impact on the character or appearance of the street scene as compared to the approved scheme.

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

The main bulk of the proposed house would be brought 1.3m nearer and the side wing some 2.5m nearer to the nearest adjoining properties at the rear of the house, known as Bothkennar and High Trees which are accessed from Northgate by means of an access road that runs along the side of the application site. As the nearest part of the front elevation of these properties would still be sited over 30m from the the proposed house, and largely screened by mature vegetation along this side boundary, the impact of the amendment would have no material impact in terms of dominance, loss of sunlight and privacy, to these properties and the new relationship would fully comply with the Council's standards.

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

The alterations to the basement and the internal layout of some of the rooms would not have any material impact on the acceptability of the internal living conditions that would be afforded by the proposal.

The proposal would still provide a large rear garden in excess of 900sq.m.

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

As a result of the house and side wing being moved further back on its plot, the access arrangements within the front garden have been modified, creating additional vehicle manoeuvring space to which the Highway Engineer raises no objection.

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

Relevant planning issues have been dealt with elsewhere in this report.

#### **7.12 Disabled access**

When the original scheme that was approved at appeal was presented to committee, Members were advised that the layout of the house was capable of satisfying Lifetime Homes standards with little modification and/or clarification and that a condition could have been attached to ensure compliance with these standards if the application had of been recommended favourably.

The proposed alterations would not have any material implications for disabled access. A Lifetime homes condition is recommended.

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

Not applicable to this application.

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

The Council's Tree/Landscape Officer advises that the proposed alterations, including the re-siting of the building would not have any implications for the retained trees on site.

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

This application is for a new house within its own curtilage. As such, there is no requirement for specific provision for the storage of waste and recycling to be shown on the plans.

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

The proposed amendments would not have any material implications for energy efficiency and sustainability and the condition of the Inspector, requiring the development to satisfy Code Level 3 has been attached.

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

Members were previously advised on the original scheme for a house that was approved at appeal that this is not an area that is prone to flooding. Furthermore, a condition could have been attached to ensure that the development complies with the principles of sustainable urban drainage if it had been recommended differently. A sustainable urban drainage condition is attached.

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

The proposed amendments do not raise any noise or air quality issues.

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

The comments made by the petitioners have been considered in the officer's report.

#### **7.20 Planning Obligations**

Policy R17 of the Hillingdon Local Plan - Part Two: Saved UDP Policies (November 2012) is concerned with securing planning obligations to offset the additional demand on recreational open space, facilities supporting arts, cultural and entertainment activities, and other community, social and education facilities through planning obligations in conjunction with development proposals. This policy are supported by more specific supplementary planning guidance.

Given the nature and scale of the scheme, only a potential contribution towards additional educational provision would be generated which was previously calculated to be £12,796.

A deed of variation is required to align this proposal with the original S106 agreement.

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

No enforcement issues are raised by this application.

#### **7.22 Other Issues**

There are no other planning issues raised by 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**

The proposed amendments do not result in significant change to the proposed house and are acceptable.

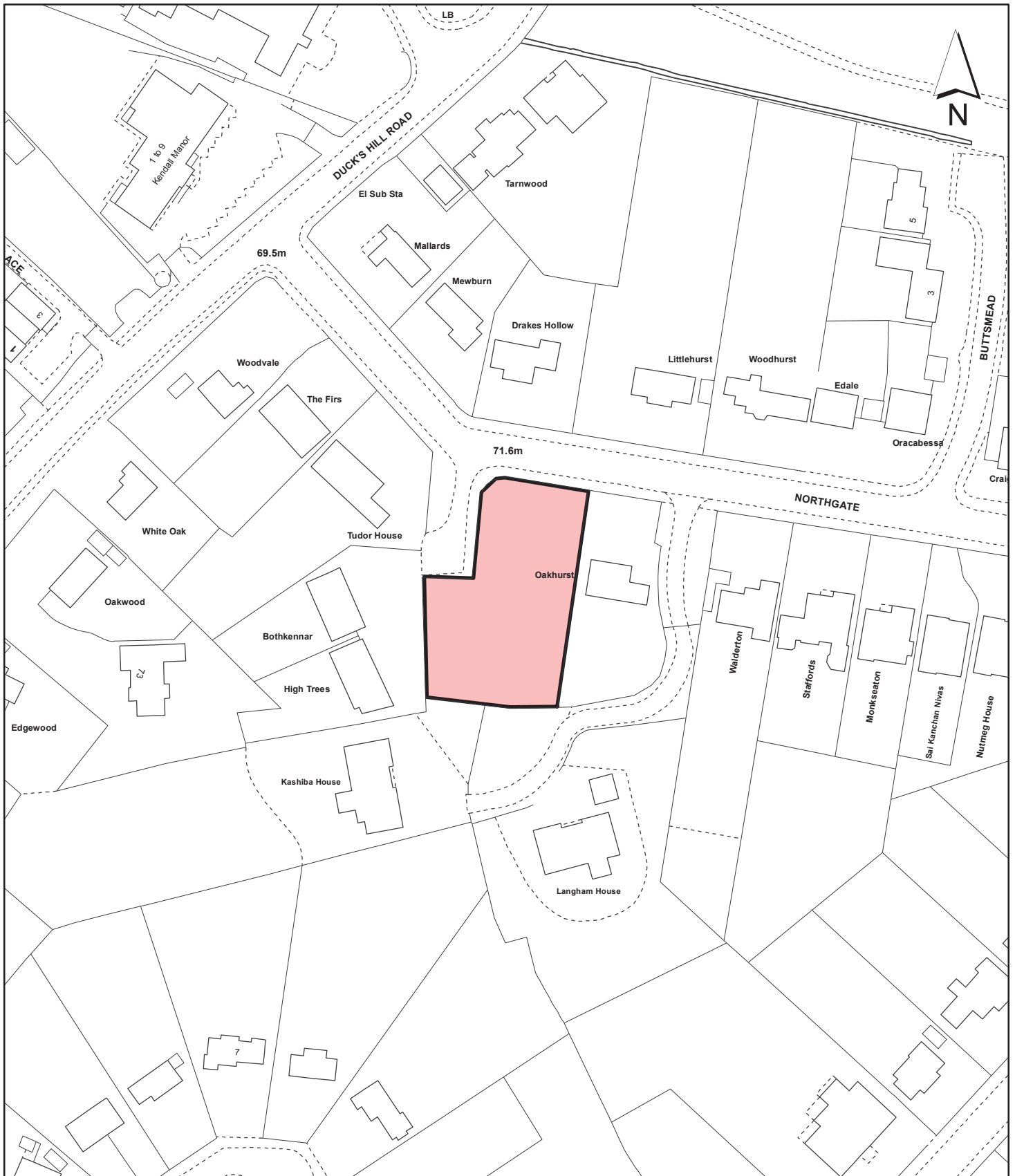
**11. Reference Documents**



National Planning Policy Framework (March 2012)  
London Plan (July 2011)  
Hillingdon Local Plan - Part Two: Saved UDP Policies (November 2012)  
Council's Planning Obligations Supplementary Planning Document, July 2008  
HDAS: Residential Layouts, July 2006 and Accessible Hillingdon, May 2013  
Consultation Responses

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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 style="text-align: center;"><b>Oakhurst Northgate</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 style="text-align: center;"><b>67012/APP/2013/2040</b></p>	<p>Scale</p> <p style="text-align: center;"><b>1:1,250</b></p>	 <p style="text-align: center;"><b>HILLINGDON</b> LONDON</p>
	<p>Planning Committee</p> <p style="text-align: center;"><b>North</b></p>	<p>Date</p> <p style="text-align: center;"><b>October 2013</b></p>	