

Report of the Head of Planning, Sport and Green Spaces

Address LAND AT REAR OF 37 AND 39 WIMBORNE AVENUE HAYES

Development: Two storey, four-bed, detached dwelling with associated parking and amenity space and installation of 2 x vehicular crossovers to side, and garage to serve No.37 Wimborne Avenue.

LBH Ref Nos: 63342/APP/2013/1168

Drawing Nos: WA/1 G
Design and Access Statement
WA/2 F
WA/4 D
WA/3 G

Date Plans Received: 08/05/2013 **Date(s) of Amendment(s):** 08/05/2013

Date Application Valid: 20/05/2013

1. SUMMARY

The application seeks planning permission for the erection of a two storey, four-bedroom, detached dwelling with associated parking and amenity space and installation of 2 vehicular crossovers to Lulworth Way, involving the relocation of the existing garage to the rear garden of No.37 Wimborne Avenue.

A previous consent for a new dwelling at the site was approved under application reference 63342/APP/2009/1748. The time limit extension for a new consent for the dwelling was refused under application reference 63342/APP/2012/2857 due the dwelling failing to meet the increased floor space standards, failure to comply with Lifetime Homes Standards and the lack of planning obligation towards educational facilities.

The current proposal has enlarged the dwelling to meet the current floor space standards of Policy 3.5 of the London Plan (July 2011).

The application would overcome the reasons for refusal associated with the previous refusal 63342/APP/2012/2857. The proposed house would relate satisfactorily with the character and appearance of the street scene and surrounding area generally. It would not harm the residential amenities of adjoining occupiers and would provide adequate off street parking. It would provide suitable internal floorspace for future occupiers. Therefore, the application is recommended for approval.

2. RECOMMENDATION

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

A. 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:

i) A contribution of £15,443 for capacity enhancements in local schools;

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the legal Agreement(s) and any abortive work as a result of the agreement not being completed.

C) That officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.

D) That if any of the heads of terms set out above have not been agreed and the legal agreement has not been finalised within 6 months of the date of this Committee resolution, or any other period deemed appropriate by the Head of Planning, Green Spaces and Culture , then the application be refused for the following reason:

'The development is likely to give rise to a significant number of children of school age that would require additional educational provisions, due to the shortfall of places in schools serving the area. Given that a legal agreement or unilateral undertaking has not been offered and the applicants are not willing to enter into or provide any such agreement, to address this issue, the proposal is considered to be contrary to Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's Planning Obligations, Supplementary Planning Document (July 2008).'

E) 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 with the applicant.

F) That if the application is approved, the following conditions be imposed subject to any changes negotiated by the Head of Planning, Green Spaces and Culture prior to issuing the decision.

1 T8 Time Limit - full planning application 3 years

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 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved, No's WA/1 G, WA/2 F, WA/3 G, WA/4 D and Design and Access Statement unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3 M1 Details/Samples to be Submitted

No development shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority.

REASON

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

4 OM2 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 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

5 RPD1 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.

REASON

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

6 RPD5 Restrictions on Erection of Extensions and Outbuildings

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 extension to any dwellinghouse(s) nor any garage(s), shed(s) or other outbuilding(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

REASON

So that the Local Planning Authority can ensure that any such development would not result in a significant loss of residential amenity in accordance with Policy BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7 RPD9 Enlargement to Houses - Roof Additions/Alterations

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 addition to or enlargement of the roof of any dwellinghouse shall be constructed.

REASON

To preserve the character and appearance of the development and protect the visual amenity of the area and to ensure that any additions to the roof are in accordance with Policy BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

8 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.

9 RES16 Code for Sustainable Homes

The dwelling(s) 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.

10 RES18 Lifetime Homes/Wheelchair Units

All residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards.

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

11 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

12 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.

13 RES5 General compliance with supporting documentation

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

- Amenity Space [WA/1 G]
- Parking Layout [WA/1 G]
- Vehicle Crossovers [WA/1 G]

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

REASON

To ensure that the development complies with the objectives of Policies AM7, AM14, BE23 & BE38 of the Hillingdon Local Plan (November 2012).

14 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.a Refuse Storage
 - 2.b Cycle Storage
 - 2.c Means of enclosure/boundary treatments
 - 2.d Car Parking Layouts (including demonstration that 5% of all parking spaces are served by electrical charging points)
 - 2.e Hard Surfacing Materials
 - 2.f External Lighting
 - 2.g Other structures (such as play equipment and furniture)

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)

15 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.

16 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).

17 NONSC Non Standard Condition

No development shall take place until full details of the design, including elevations, floorplans and materials, of the garage to serve no. 37 Wimbourne Avenue have been submitted to, and approved in writing by, the Local Planning Authority.

Thereafter, the garage shall be constructed in full accordance with the approved details and used for the parking of vehicles associated with the use/occupation of the residential dwelling only and for no other purpose.

REASON

To ensure that the garage has an appropriate appearance within the street scene and to ensure the maintenance of adequate car parking for the occupiers of no. 37 Wimbourne Avenue in accordance with Policies BE13 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

INFORMATIVES

1 152 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).

2 153 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.

| | |
|----------|---|
| AM14 | New development and car parking standards. |
| AM2 | Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity |
| AM7 | Consideration of traffic generated by proposed developments. |
| BE13 | New development must harmonise with the existing street scene. |
| BE15 | Alterations and extensions to existing buildings |
| BE19 | New development must improve or complement the character of the area. |
| BE20 | Daylight and sunlight considerations. |
| BE21 | Siting, bulk and proximity of new buildings/extensions. |
| BE22 | Residential extensions/buildings of two or more storeys. |
| BE23 | Requires the provision of adequate amenity space. |
| BE24 | Requires new development to ensure adequate levels of privacy to neighbours. |
| BE38 | Retention of topographical and landscape features and provision of new planting and landscaping in development proposals. |
| HDAS-EXT | Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008 |
| HDAS-LAY | Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006 |
| LDF-AH | Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010 |
| LPP 3.3 | (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 7.2 | (2011) An inclusive environment |
| LPP 7.4 | (2011) Local character |

3 159 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies.

On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4 147 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).

5 11 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.

6 12 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.

7 13 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

8 134 Building Regulations 'Access to and use of buildings'

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their

disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from www.opsi.gov.uk
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from www.drc-gb.org.
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from www.drc-gb.org.
- Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from www.drc-gb.org.

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

9 15 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.

10 16 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.

11

Construction site informative

Nuisance from demolition and construction work is subject to control under the Control of Pollution Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with:

- (i) Demolition and construction works should only be carried out between the hours of

0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays, Public or Bank Holidays;

(ii) All noise generated during such works should be controlled in compliance with British Standard 5228, and use best practicable means as defined in section 72 of the Control of Pollution Act 1974;

(iii) Measures should be taken to eliminate the release of dust, odours and other emissions caused by the works that may create a public health nuisance. Guidance on control measures is given in The control of dust and emissions from construction and demolition: best practice guidelines , Greater London Authority, November 2006; and

(iv) No bonfires that create dark smoke or cause nuisance to local residents should be allowed at any time.

For further information and advice, contact the Environmental Protection Unit, 3S/02 Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW (tel. 01895 250155).

12 I47 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).

13

It is contrary to section 163 of the Highways Act 1980 for surface water from private land to drain onto the highway or discharge into the highway drainage system;

The applicant is advised to contact the Council's Highways Team in respect of the construction of the vehicle crossover.

14

You are advised that the development hereby approved represents chargeable development under the Mayor's Community Infrastructure Levy. At this time the Community Infrastructure Levy is estimated to be £3519.15 which is due on commencement of this development. The actual Community Infrastructure Levy will be calculated at the time your development is first permitted and a separate liability notice will be issued by the Local Planning Authority. Should you require further information please refer to the Council's Website www.hillingdon.gov.uk/index.jsp?articleid=24738

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises the bottom of the rear gardens of 37 and 39 Wimborne

Avenue, a pair of semi-detached houses located on the south east side of Wimborne Avenue at its junction with Lulworth Way. To the north east lies Lulworth Way, to the south west lies 41 Wimborne Avenue, a two storey semi-detached house, and to the south east is a service road that runs along the rear of the terrace with 2 Lulworth Way, beyond, a two storey semi-detached house. The street scene is residential in character and appearance comprising two storey semi-detached houses, some with outbuildings/garages at the bottom of the rear gardens, and the application site lies within the developed area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The application seeks planning permission for the erection of a two storey, four-bedroom, detached dwelling with associated parking and amenity space and installation of 2 vehicular crossovers to Lulworth Way, involving the relocation of the existing garage to the rear garden of No.37 Wimborne Avenue.

The depth of the house has been increased by 0.6 metres compared to the previously refused scheme to enlarge the internal floor area of the dwelling, which has resulted in the height of the building increasing by 0.35 metres.

3.3 Relevant Planning History

63342/APP/2007/2163 Land At Rear Of 37 And 39 Wimborne Avenue Hayes

ERECTION OF A TWO STOREY, THREE- BEDROOM DETACHED DWELLING WITH PARKING, NEW 1.8 METRE FENCE TO THE REAR, 1.2 METRE BRICK WALL TO THE FRONT AND NEW VEHICULAR ACCESS FROM LULWORTH WAYE (INVOLVING DEMOLITION OF DOUBLE GARAGE TO THE REAR OF 39).

Decision: 24-10-2007 Approved

63342/APP/2008/2509 Land At Rear Of 37 And 39 Wimborne Avenue Hayes

ERECTION OF A TWO STOREY, 4 BEDROOM DETACHED HOUSE (INCLUDING THE FIRST FLOOR STUDY) FRONTING LULWORTH WAYE WITH ASSOCIATED PARKING, PARKING FOR BOTH 37 AND 39 WIMBORNE AVENUE AND SINGLE STOREY DETACHED GARAGE TO THE REAR OF 37 (INVOLVING DEMOLITION OF DOUBLE GARAGE TO THE REAR OF 39)

Decision: 30-10-2008 Refused

63342/APP/2009/1748 Land At Rear Of 37 And 39 Wimborne Avenue Hayes

Erection of a two storey four-bedroom detached dwelling with 1 rooflight to rear with associated parking, involving relocation of garage to front and installation of new vehicular crossovers.

Decision: 04-01-2010 Approved

63342/APP/2012/2857 Land At Rear Of 37 And 39 Wimborne Avenue Hayes

Application for a new planning permission to replace an extant planning permission in order to extend the time limit for implementation, ref. 63342/APP/2009/1748 dated 04/01/2010 (Erection of a two storey four-bedroom detached dwelling with 1 rooflight to rear with associated parking,

involving relocation of garage to front and installation of new vehicular crossovers).

Decision: 29-01-2013 Refused

Comment on Relevant Planning History

The current application follows the refusal of scheme 63342/APP/2012/2857, which was refused for the following reasons:

1/ The floor area for the proposed dwelling is below the minimum 100m² required for a four-bedroom two storey dwelling. As such the proposal would fail to provide a satisfactory residential environment to the detriment of the amenity of future occupiers, and would be contrary to Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy 3.5 and and Table 3.3 of the London Plan (2011).

2/ The proposal would fail to meet all relevant Lifetime Home Standards to the detriment of the amenities of future occupiers and contrary to Policy 3.8 of the London Plan 2011.

3/ The proposed development is likely to give rise to a significant number of children of school age that would require additional educational provision, due to the shortfall of places in schools serving the area. Given that a legal agreement or unilateral undertaking has not been offered to address this issue, the proposal is considered to be contrary to Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document Planning Obligations.

It is considered that the current application overcomes the above reasons for refusal.

Application 63342/APP/2012/2857 was for a new planning permission to replace the extant planning permission 63342/APP/2009/1748 (Erection of a two storey four-bedroom detached dwelling with 1 rooflight to rear with associated parking, involving relocation of garage to front and installation of new vehicular crossovers) in order to provide a time extension for implementation. Although there had not been any material alterations to the site or surroundings since the approving of application 63342/APP/2009/1748, there had been changes to planning policy that warranted a material change in circumstances, hence the refusal of application 63342/APP/2012/2857.

Prior to the approval of scheme 63342/APP/2009/1748, application 63342/APP/2008/2509 was refused for the following reasons:

1/ The proposal fails to provide a minimum 92m² of internal floor space required for a four bedroom house (the first floor study has the potential to be used as a bedroom and is counted as such) in order to satisfy Paragraphs 4.6 to 4.8 of the Council's HDAS: 'Residential Layouts. The proposal would therefore fail to provide an adequate standard of residential amenity for future occupiers, contrary to Policy BE19 of the Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

2/ The proposed development is likely to give rise to a significant number of children of school age that would require additional educational provision, due to the shortfall of places in schools serving the area. Given that a legal agreement or unilateral undertaking has not been offered to address this issue, the proposal is considered to be contrary to Policy R17 of the Adopted Hillingdon Unitary Development Plan (Saved Policies,

September 2007) and the Council's Planning Obligations, Supplementary Planning Document (July 2008).

There was a scheme in 2007 under reference 63342/APP/2007/2163 that was approved for the erection of a detached 3 bedroom house.

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:

AM14 New development and car parking standards.

AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity

AM7 Consideration of traffic generated by proposed developments.

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

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

BE20 Daylight and sunlight considerations.

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

BE22 Residential extensions/buildings of two or more storeys.

BE23 Requires the provision of adequate amenity space.

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

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

HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

LDF-AH Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

LPP 3.3 (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 7.2 (2011) An inclusive environment

LPP 7.4 (2011) Local character

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Six adjoining owner/occupiers were consulted on 22/05/2013 and a site notice was erected on 29/05/2013. One objection was received with the following comments: 'We feel that this proposal would cause over congestion in this quiet area, it would also over look into my back garden causing lack of privacy. We are very much against this proposal'.

Internal Consultees

Access Officer: No objections, subject to conditions.

Transportation: The development proposals are for the construction of a 4 bed room detached dwelling at the rear of numbers 37 And 39 Wimborne Avenue. As part of the proposals, 2 car parking spaces will be provided to serve each dwelling. In addition, a new vehicle crossover will be constructed to serve the proposed dwelling, which will be located along Lulworth Waye and the existing crossover serving 39 Wimborne Road will be altered. When undertaking assessment of the development it is considered sufficient parking will be provided to serve both the existing and proposed dwellings at the site. Therefore, it is considered that the development would not be contrary to the Policies of the adopted Hillingdon Local Plan, 2012, Part 2, and an objection is not raised provided that a suitable condition is imposed on the planning consent requiring the proposed and amended crossover to be constructed/altered in accordance with the Council's standard.

Trees/Landscape (Comments from original approved application): THE SITE: The site is formed by part of the rear gardens of 37 and 39 Wimborne Way, at the junction with Lulworth Waye. These gardens contain a mix of mature trees and shrubs - which have not been indicated on a survey drawing. Although the trees are not protected, by TPO or Conservation Area designation, and are not considered to be a constraint on development, a tree/vegetation survey should be submitted and plants identified for retention - where appropriate. THE PROPOSAL: The proposal is to erect a two-storey, four bedroom, detached house with parking - accessed from Lulworth Waye, a relocated garage and garden space. Drawing No. WA/1/D shows some indicative new planting. RECOMMENDATION: If you are minded to approve this application, I have no objection subject to a condition relating to landscaping and tree protection.

EPU (Comments from original approved application): No objections subject to an informative Pursuant to the Control of Pollution Act 1974, the Clean Air Act 1993, the Environmental Protection Act 1990 and any other relevant legislation.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is located within an established residential area and forms part of the 'developed area' as defined in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Key changes in the policy context, since the last approval in 2009, include the publication of the NPPF and the adoption of The London Plan of July 2011.

In relation to National Policy the NPPF, paragraph 53 states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The outcome of this change means that Councils will have to assess whether the proposal would cause harm to the local area.

Policy 3.5 of the London Plan (July 2011) states in part the following:

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

As regards the principle of developing this site, the principle of residential development in this location has been established in 2009. Whilst the definition of 'Developed Land' has been amended since this determination, the use of this land for residential development was considered acceptable under the 2012 refusal and as such, has been established as acceptable in principle.

7.02 Density of the proposed development

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

The site is located within a suburban fringe location and has a Public Transport Accessibility Level (PTAL) of 2. Taking these parameters into account, the matrix recommends a density of 150-250 hr/ha. This proposal equates to a density of 233 hr/ha. The proposal therefore satisfies the density standards as recommended by the London Plan.

The density matrix, however, is only of limited value when looking at small scale development such as that proposed with this application. In such cases, it is often more appropriate to consider how the scheme harmonises with its surroundings and its impact on adjoining occupiers.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Policy OL5 of the saved UDP seeks to ensure that development adjacent to or conspicuous from the Green Belt would not injure its visual amenities. The site is not located in close proximity to Green Belt land and hence would not be harmful to the Green Belt's open character.

7.07 Impact on the character & appearance of the area

The principle of the development has been established by the grant of planning permission for the original scheme in October 2007 (63342/APP/2007/2163) and application 63342/APP/2009/1748 more recently. In relation to the scheme

63342/APP/2009/1748, the proposal as part of current scheme displays an increase in footprint which is considered to be minor and would not make a material difference to the appearance of the proposal. As such, the proposed dwelling would not detract from the character and appearance of the street scene and surrounding area generally, in accordance with Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and paragraphs 4.1, 4.23, 4.24, 4.26, 4.27 and 4.42 of the Hillingdon Design & Accessibility Statement(HDAS): Residential Layouts.

7.08 Impact on neighbours

The proposed house would be set some 16.5m and 17.5m from the rear walls of 37 and 39 Wimborne Avenue, respectively, and would be over 21m from the private amenity space of 35 Wimbourne Avenue. These distances are sufficient to prevent the development from having a visually intrusive and overdominant impact, when viewed from the rear windows of those properties. It would also not result in a significant increase in overshadowing or loss of privacy. The 1.8m high close boarded fence separating the new house from Nos.37 and 39 Wimborne Avenue would prevent overlooking from the ground floor side window of the new house. A 5.1m gap would be retained between the new house and the flank wall of 2 Lulworth Way. There are no habitable flank windows at 2 Lulworth Road that face the application site and the new first floor flank window facing that house can be fitted with obscure glass to prevent overlooking, as it would provide natural light to a bathroom. Furthermore, the rear wall of the new house would still be set behind the rear wall of 2 Lulworth Way, and therefore no overlooking and overdominance would result. As such, the proposal would not harm the residential amenities of the adjoining occupiers and would comply with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and paragraphs 4.6, 4.9 and 4.12 of the Hillingdon Design & Accessibility Statement(HDAS): Residential Layouts.

7.09 Living conditions for future occupiers

The new house would provide 4 bedrooms. As such, a minimum of 100m² of floorspace is required for the new house, as required by London Plan Policy 3.5. The new house would provide around 101m² of internal floorspace and this would be sufficient to provide suitable internal amenities for future occupiers. Therefore, the proposal would provide adequate internal floorspace commensurate with the size/occupancy of the property. A condition would be added to any approval to ensure adherence to all relevant Lifetime Home Standards to secure the amenities of future occupiers in accordance with Policy 3.8 of the London Plan 2011. Over 150m² of private amenity space would be provided for the proposed house, which would meet the requirements of paragraph 4.15 of the Hillingdon Design & Accessibility Statement: Residential Layouts, and sufficient garden space would be retained for 37 and 38 Wimbourne Avenue.

The new windows would provide an adequate outlook and natural light to the rooms they would serve, in accordance with London Plan Policy 3.5 and BE20 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions.

Therefore the proposal would not result in an overdevelopment of the site and would comply with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Hillingdon Design and Accessibility Statement: Residential Layouts and Accessible Hillingdon.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

2 off-street parking spaces are proposed for the new house which would be accessed via a new crossover. Furthermore, sufficient replacement parking is proposed for 37 and 39 Wimborne Avenue, to which the Council's Transportation team have not raised issue with. The Highways Officer has raised an issue with the width of the crossover to service the two parking spaces, however, this crossover remains unchanged from the 2009 approval

where no objection was raised. There has been no material increase in pedestrian movements along the public highway which now makes the proposal unacceptable and, as such, no objection is raised in this regard. The proposal would provide sufficient off-street parking spaces to cater for the existing and proposed houses, and would not therefore result in an increase in on-street parking and congestion. The proposal would comply with policies AM7(ii) and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's Car Parking Standards.

7.11 Urban design, access and security

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene, and BE19 states the Local Planning Authority will seek to ensure that new development within residential areas compliments or improves the amenity and character of the area.

The design of the proposed scheme reflects the architectural details and general appearance of the dwellings in the vicinity and would not introduce any concerns in terms of security. As such the proposal is considered acceptable in this respect.

Access issues are addressed within 7.12 of this report.

The proposed design is not considered to raise any security issues subject to an appropriate condition.

7.12 Disabled access

Policy 3.8 of the London Plan (July 2011) advises that all new housing development should be built in accordance with Lifetime homes standards. Further guidance on these standards is provided within the Council's Supplementary Planning Document: Accessible Hillingdon, January 2010. General compliance with the Lifetime homes standards has been demonstrated. A suitable condition requiring adherence is recommended, to ensure compliance with the London Plan Policy and the SPD.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

The Council's Tree Officer advises that although there are a number of trees on site, none are of any particular merit and do not constrain the proposed development. A Condition is recommended requiring details of replacement tree planting and landscaping to ensure compliance with Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.15 Sustainable waste management

There is no requirement for proposals for houses with individual curtilages to identify where refuse will be stored as this would be largely a matter for the new occupiers. However, the submitted plans do show that there would be available space within the front/side garden areas.

7.16 Renewable energy / Sustainability

A condition is recommended requiring that the development would meet Level 4 of the Code for Sustainable Homes.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

Concerns relating to the impact of the development on adjoining occupiers and the provision of parking have been considered in the main body of the report; no concerns are raised.

7.20 Planning obligations

All development involving an increase in 6 or more rooms would be assessed against the Planning Obligations Supplementary Planning Document (SPD). The proposal has been assessed against this criteria and a contribution of £15,443 towards school facilities in Hayes would be required. The applicants have advised that they would be willing to make such a payment. The proposal is considered to be in accordance with Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's Planning Obligations, Supplementary Planning Document (July 2008).

The proposal would also require payment towards the Community Infrastructure Levy of £3519.15.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

There are no other issues.

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 application would overcome the reasons for refusal associated with the previous refusal 63342/APP/2012/2857. The proposed house would relate satisfactory with the character and appearance of the street scene and surrounding area generally. It would not harm the residential amenities of adjoining occupiers and would provide adequate off street parking. It would provide suitable internal floorspace for future occupiers. A financial contribution towards additional school facilities has been offered. The application is therefore recommended for approval.

11. Reference Documents

Hillingdon Unitary Development Plan saved policies September 2007.

HDAS: Residential Layouts

Revised Chapter 4: Education Facilities of the Planning Obligations SPD adopted 23 September 2010

Planning Obligations SPD adopted July 2008

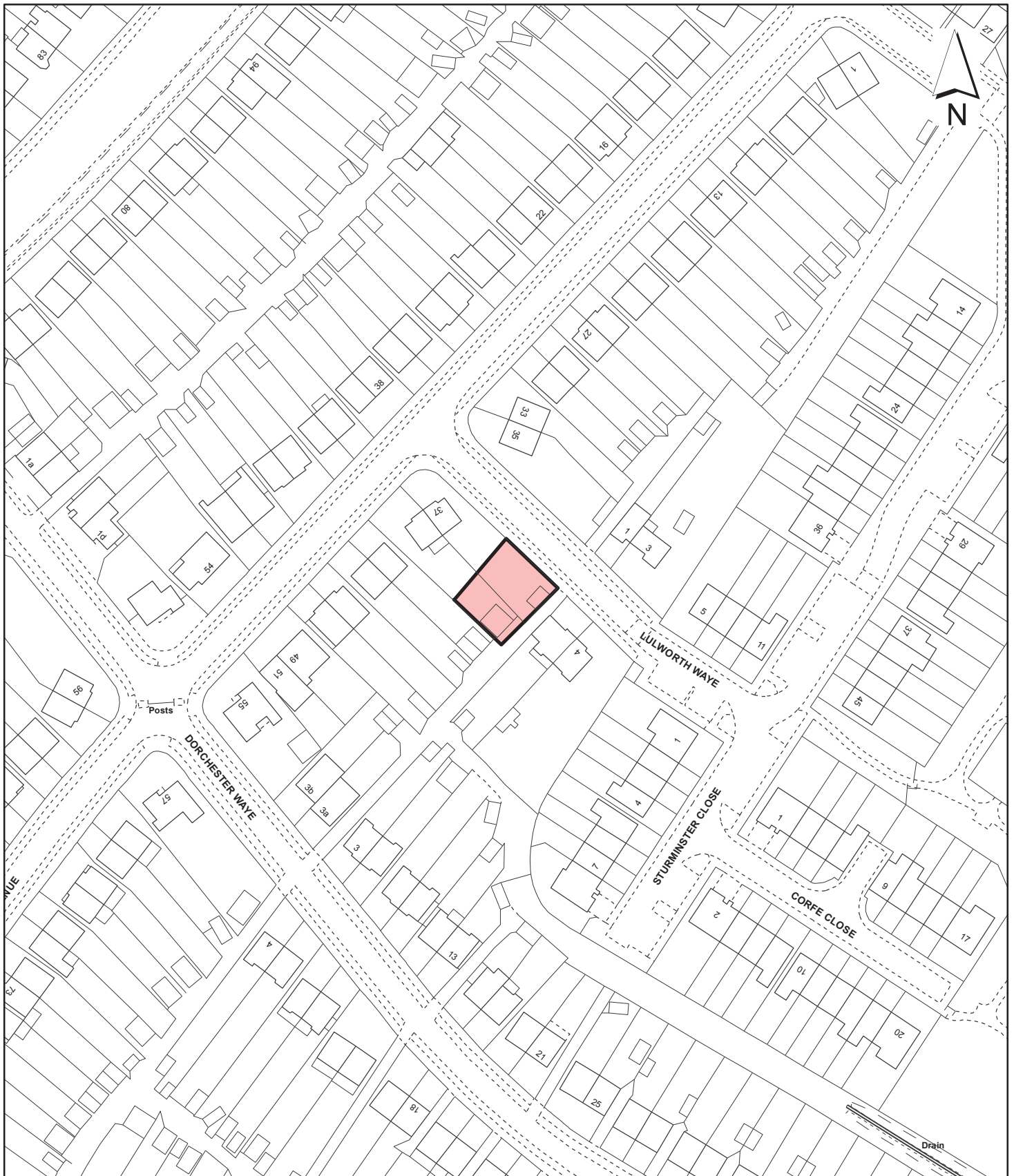
Accessible Hillingdon SPD adopted January 2010

The London Plan (2011)

NPPF

Contact Officer: Jazz Ghandial

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Notes

 Site boundary

For identification purposes only.

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Site Address

**Land rear of 37-39
Wimborne Avenue
Hayes**

Planning Application Ref:

63342/APP/2013/1168

Planning Committee

Central & South

Scale

1:1,250

Date

**November
2013**

**LONDON BOROUGH
OF HILLINGDON
Residents Services**

Civic Centre, Uxbridge, Middx. UB8 1UW
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