

Report of the Head of Planning, Sport and Green Spaces

Address 36 NICHOLAS WAY NORTHWOOD

Development: Variation of condition No. 2 of planning permission ref 41018/APP/2011/1630 dated 12/09/2011 to regularise the position and appearance of the new house (Two storey, detached 5-bedroom dwelling with habitable roof space, associated parking and amenity space involving the demolition of existing 3-bed detached dwelling)

LBH Ref Nos: 41018/APP/2013/1224

Drawing Nos: 2725/14
2725/5 REV E

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

Date Application Valid: 16/05/2013

1. SUMMARY

This application seeks to vary condition No. 2 (approved plans) of planning permission ref 41018/APP/2011/1630 dated 12/09/2011 to regularise the position and appearance of a new house that is currently under construction at No.36 Nicholas Way. The original application was for a two storey, detached 5-bedroom dwelling with habitable roof space, associated parking and amenity space involving the demolition of the existing 3-bed detached dwelling.

The original consent for the erection of the dwelling showed the principal elevation of the building being 11.4 metres from the front boundary line of the site when measured at both its southwestern and northeastern side elevations. The plans also showed that the building would be set 0.9 metres forward of the principal elevation of No.34 Nicholas Way and 0.6 metres forward of the principal elevation of No.38 Nicholas Way. In addition the plans showed the building being set 1.6 metres from the side boundary line shared with No.38 Nicholas Way and 1.55 metres from the side boundary line shared with No.34 Nicholas Way, with a total plot width measured at the principal elevation as 18.9 metres (as shown on the original floor plans).

The Council's enforcement officer has conducted numerous site visits over the last 6 months to determine the exact location of the building. It is considered that the position of the building is correct in its distance to the front boundary line of 11.4 metres, as approved. However, the plans submitted as part of the original approval did not accurately show the location of the neighbouring dwellings, with No.34 Nicholas Way being set 1.3 metres back from the principal elevation of the new building and No.38 Nicholas Way being set 0.9 metres behind. Furthermore, the correct site boundaries have now been plotted at a width of 18.6 metres, which has reduced the set in to 1.3 metres to the side boundary line shared with No.34 Nicholas Way and 1.4 metres to the side boundary line shared with No.38 Nicholas Way, when measured at the principal elevation.

The applicant has also built the development incorrectly as the original design consisted of asymmetrical gables in the principal elevation of the building. The as built development now consists of symmetrical gables with the northern gable being increased in height by 0.85 metres, when compared to the approved scheme.

The building line of Nicholas Way is established by large detached dwellings which are significantly set back from the highway. The original dwelling was approved to be set forward of the neighbouring dwelling and the impact of the dwelling being an additional 300mm forward than previously considered would not be so harmful to the character of the area as to be unacceptable. The distance to the side boundary lines has been reduced by a nominal amount, the option of seeking enforcement action to reduce the width of the building by 0.2 metres would not stand up at appeal and, therefore, no objection is raised in this regard.

The main issue for consideration is the impact on the visual amenities of the Area of Special Local Character of the enlarged height of the gable end. The scheme permitted in 2011 was the subject of pre-application negotiations over several months. This part of Nicholas Way is particularly attractive, with modest sized black and white, one-and-a-half storey houses set well back from the road, their roofs stepped up the hill towards Copse Wood Way. The design of the proposed new house was amended on several occasions so that, although a larger redevelopment, it would blend satisfactorily with others in the streetscene, in this very attractive part of the Copse Wood Estate Area of Special Local Character. One of the fundamental issues upon which the design was approved was the subservience between the gable ends of the dwelling. The current design has failed to achieve this subservience and has resulted in a building which is out of character with the Area of Special Local Character and the Conservation Officer has strongly objected to this.

The timber framing applied to the gable is incorrect, and the render to brick ratio also incorrect. No details of the windows (should be casements) have been submitted. If an application had been received for the current design, it would have been considered poor, very bulky (particularly in views from the west) and a bad precedent for other applicants in the area, many of whom ask to build in front of the building line.

It is considered that the as built dwelling has had an adverse impact on the visual amenities of the application site, the street scene and Copsewood Area of Special Local Character and, therefore, the application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The dwelling by virtue of failure to achieve subservient gable ends in the principal elevation combined with the unsatisfactory design and detailing of the gables has resulted in a dwelling which fails to respect the character of the Copse Wood Estate Area of Special Local Character. The development would set a precedence for future applications at nearby sites which would lead to the further deterioration of the character of the surrounding area. The development is therefore contrary to Policy BE1 (Built Environment) of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE5, BE13, BE15 and BE19 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

INFORMATIVES

1 I59 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.

2 I52 Compulsory Informative (1)

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

3 I53 Compulsory Informative (2)

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

BE5	New development within areas of special local character
BE6	New development within Gate Hill Farm and Copsewood Estates areas of special local character
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H4	Mix of housing units
H5	Dwellings suitable for large families
H6	Considerations influencing appropriate density in residential development.
H9	Provision for people with disabilities in new residential developments
AM14	New development and car parking standards.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 5.13	(2011) Sustainable drainage
LPP 5.2	(2011) Minimising Carbon Dioxide Emissions
LPP 5.3	(2011) Sustainable design and construction

3. CONSIDERATIONS

3.1 Site and Locality

The application property is a detached dwelling sited on the north-western side of Nicholas Way. It is set in an elevated position above the road as land levels rise from the front of the site to the rear.

The original property was set back from the road by approximately 12m, broadly in line with other properties in the street. The front garden was mainly grassed with some shrubs and vehicular and pedestrian pathways. To the rear, the site slopes up from south-east to north-west. The rear garden is mainly grassed with a number of trees and vegetation particularly along the rear boundary. Side boundaries closest to the buildings are generally defined by a number of mature shrubs and hedges.

No.34 to the north-east is a two storey building set at broadly the same level as the application property. It has a prominent rear return on its far end with windows facing towards the application site. There are also a number of small windows on the south-western elevation flank wall of that property closest to the application site.

No.38 to the south-west is set at a slightly lower level than the application property, with first floor accommodation at the rear being largely contained within the roofslope immediately adjacent to the application site.

The street scene is residential in character and appearance comprising substantial two storey detached houses set in spacious plots. There are a number of properties that have been replaced in recent years throughout the estate. The application site lies within the Copsewood Area of Special Local Character and is within the developed area as identified in the Hillingdon Local Plan (November 2012).

3.2 Proposed Scheme

This application seeks to vary condition No. 2 (approved plans) of planning permission ref 41018/APP/2011/1630 dated 12/09/2011 to regularise the position and appearance of the new house (Two storey, detached 5-bedroom dwelling with habitable roof space, associated parking and amenity space involving the demolition of existing 3-bed detached dwelling).

The original consent for the erection of the dwelling showed the principal elevation of the building being 11.4 metres from the front boundary line of the site when measured at both its southwestern and northeastern side elevations. The plans also showed that the building would be set 0.9 metres forward of the principal elevation of No.34 Nicholas Way and 0.6 metres forward of the principal elevation of No.38 Nicholas Way. In addition the plans showed the building being set 1.6 metres from the side boundary line shared with No.38 Nicholas Way and 1.55 metres from the side boundary line shared with No.34 Nicholas Way, with a total plot width measured at the principal elevation as 18.9 metres (as shown on the original floor plans).

The Council's enforcement officer has conducted numerous site visits over the last 6 months to determine the exact location of the building. It is considered that the position of the building is correct in its distance to the front boundary line of 11.4 metres, as approved. However, the plans submitted as part of the original approval did not accurately show the location of the neighbouring dwellings, with No.34 Nicholas Way being set 1.3 metres back from the principal elevation of the new building and No.38 Nicholas Way being set 0.9 metres behind. Furthermore, the correct site boundaries have now been plotted at a width of 18.6 metres, which has reduced the set in to 1.3 metres to the side

boundary line shared with No.34 Nicholas Way and 1.4 metres to the side boundary line shared with No.38 Nicholas Way, when measured at the principal elevation.

The applicant has also built the development incorrectly as the original design consisted of asymmetrical gables in the principal elevation of the building. The as built development now consists of symmetrical gables with the northern gable being increased in height by 0.85 metres, when compared to the approved scheme.

Therefore, the application seeks to regularise all of the above.

It is noted that there is a minor discrepancy between the plans as the distance between the dwelling and No.34 Nicholas Way is shown to be different between the floor plans and site plans submitted by approximately 0.3 metres.

3.3 Relevant Planning History

41018/APP/2011/1630 36 Nicholas Way Northwood

Two storey, detached 5-bedroom dwelling with habitable roof space, associated parking and amenity space involving the demolition of existing 3-bed detached dwelling

Decision: 12-09-2011 Approved

41018/APP/2012/59 36 Nicholas Way Northwood

Approval of details reserved by conditions Nos.3, 4, 5, 6, 7, 8, 10 and 11 of planning permission ref: 41018/APP/2011/1630 dated 12/09/2011 (Two storey, detached 5-bedroom dwelling with habitable roof space, associated parking and amenity space involving the demolition of existing 3-bed detached dwelling)

Decision: 08-03-2012 Approved

41018/APP/2013/865 36 Nicholas Way Northwood

Installation of vehicular crossover and extension to hardstanding to front

Decision: 04-06-2013 Withdrawn

Comment on Relevant Planning History

41018/APP/2011/1630 - Two storey, detached 5-bedroom dwelling with habitable roof space, associated parking and amenity space involving the demolition of existing 3-bed detached dwelling. This application was approved.

As stated above, the development has not been built in accordance with the approved plans.

41018/APP/2013/865 - Installation of vehicular crossover and extension to hardstanding to front. This application was withdrawn.

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:

- BE5 New development within areas of special local character
- BE6 New development within Gate Hill Farm and Copsewood Estates areas of special local character
- BE13 New development must harmonise with the existing street scene.
- BE15 Alterations and extensions to existing buildings
- BE19 New development must improve or complement the character of the area.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE22 Residential extensions/buildings of two or more storeys.

- BE23 Requires the provision of adequate amenity space.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

- H4 Mix of housing units
- H5 Dwellings suitable for large families
- H6 Considerations influencing appropriate density in residential development.
- H9 Provision for people with disabilities in new residential developments
- AM14 New development and car parking standards.
- HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
- LPP 3.4 (2011) Optimising housing potential
- LPP 3.5 (2011) Quality and design of housing developments
- LPP 5.13 (2011) Sustainable drainage
- LPP 5.2 (2011) Minimising Carbon Dioxide Emissions
- LPP 5.3 (2011) Sustainable design and construction

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

6 adjoining and nearby properties have been notified of the application by means of a letter. The original application submitted was to regularise the position of the dwelling only.

At the time of writing this report 1 response and a Petition have been received which are summarised as follows:

- The plans do not clearly demonstrate the difference between the as built development and the proposed;
- Unacceptable impact to the Character and Appearance of the Conservation Area;
- Failure to respect the established front building line;
- Impact to neighbouring dwellings;
- The development is not built in accordance with the approved plans.

In addition a response from the Northwood Residents Association was received which stated the following:

The resultant building would significantly breach the front building line in contravention of Policy BE6, would be out of harmony with the existing street scene contrary to Policy BE13, would not complement or improve the amenity and character of the area as envisaged by Policy BE19 and in respect of both side boundaries of the property would be in breach of important Policy BE22.

Since the initial consultation, the applicant has amended the application to regularise the appearance of the building as well as the position. During the initial consultation the response of the residents considered the overall impact to the Area of Special Local Character by the development as well as the positioning of the building. Therefore, as the appearance of the development was also considered by residents, no further public consultation was completed on the amended application.

Internal Consultees

Councillor Seaman-Digby - I support my residents in the objection to the above planning application.

Trees Officer - No objections.

Conservation Officer - (summary of lengthy comments)

The scheme permitted in 2011 was the subject of pre-application negotiations over several months. This part of Nicholas Way is particularly attractive, with modest sized black and white, one-and-a-half storey houses set well back from the road, their roofs stepped up the hill towards Copse Wood Way. The design of the proposed new house was amended on several occasions so that, although a larger redevelopment, it would blend satisfactorily with others in the streetscene, in this very attractive part of the Copse Wood Estate Area of Special Local Character.

The timber framing applied to the gable is incorrect, and the render to brick ratio also incorrect. No details of the windows (should be casements) have been submitted. If an application had been received for the current design, it would have been considered poor, very bulky (particularly in views from the west) and a bad precedent for other applicants in the area, many of whom ask to build in front of the building line.

The development therefore has an adverse impact on the visual amenities of the application site, the street scene and Copsewood Area of Special Local Character, contrary to Policy BE1 (Built Environment) of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE5, BE6, BE13, BE15 and BE19 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Not applicable.

7.02 Density of the proposed development

Not applicable.

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

The scheme permitted in 2011 was the subject of pre-application negotiations over several months. This part of Nicholas Way is particularly attractive, with modest sized black and white, one-and-a-half storey houses set well back from the road, their roofs stepped up the hill towards Copse Wood Way. The design of the proposed new house was amended on several occasions so that, although a larger redevelopment, it would blend satisfactorily with others in the streetscene, in this very attractive part of the Copse Wood Estate Area of Special Local Character.

The building line of Nicholas Way is established by large detached dwellings which are significantly set back from the highway. Nicholas Way has a fairly strong building line, but there is some variation in the forward building line. The original dwelling was approved to be set forward of the neighbouring dwelling and the impact of the dwelling being an additional 300mm forward than previously considered would not be so harmful to the character of the area as to be unacceptable. The distance to the side boundary lines has been reduced by a nominal amount, the option of seeking enforcement action to reduce the width of the building by 0.2 metres would not stand up at appeal and, therefore, no objection is raised in this regard.

The main issue for consideration is the impact on the visual amenities of the Area of Special Local Character of the enlarged height of the gable end. The scheme permitted in 2011 was the subject of pre-application negotiations over several months. This part of Nicholas Way is particularly attractive, with modest sized black and white, one-and-a-half storey houses set well back from the road, their roofs stepped up the hill towards Copse Wood Way. The design of the proposed new house was amended on several occasions so that, although a larger redevelopment, it would blend satisfactorily with others in the streetscene, in this very attractive part of the Copse Wood Estate Area of Special Local Character. One of the fundamental issues upon which the design was approved was the subservience between the gable ends of the dwelling. The current design has failed to achieved this subservience and has resulted in a building which is out of character with the Area of Special Local Character and the Conservation Officer has strongly objected to this.

The timber framing applied to the gable is incorrect, and the render to brick ratio also incorrect. No details of the windows (should be casements) have been submitted. If an application had been received for the current design, it would have been considered poor, very bulky (particularly in views from the west) and a bad precedent for other applicants in the area, many of whom ask to build in front of the building line.

The development therefore has an adverse impact on the visual amenities of the application site, the street scene and Copsewood Area of Special Local Character, contrary to Policy BE1 (Built Environment) of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE5, BE6, BE13, BE15 and BE19 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.04 Airport safeguarding

Not applicable.

7.05 Impact on the green belt

Not applicable.

7.06 Environmental Impact

Not applicable.

7.07 Impact on the character & appearance of the area

As discussed above.

7.08 Impact on neighbours

No concerns are raised with regard to the impact on the amenities of the adjoining occupiers. The adjoining dwellings either side would continue to have a flank to flank relationship with the proposed dwelling. The siting of the dwelling between 300 - 400mm further forward than originally considered would have an acceptable impact on the neighbouring dwellings as the 45 degree guideline would not be broken when taken from the nearest habitable room window in the principal elevation of either dwelling.

As such, the proposal is therefore considered to be compliant with Policy BE1 (Built Environment) of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE19, BE20 and BE21 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Not applicable.

7.10 Traffic impact, car/cycle parking, pedestrian safety

It is considered that the amended design would not give rise to any concern regarding traffic impact or highway safety. Whilst the replacement dwelling is larger it would not result in any significant additional increase in traffic generation and the existing crossover into the site would be utilised.

The proposal would include the provision off-street parking to the front of the property so as to accommodate at least three off-street car parking spaces and soft/hard landscaping. This would be in compliance with Policies AM14 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Car Parking Standards.

7.11 Urban design, access and security

As discussed above.

7.12 Disabled access

Not applicable as these has not been impacted by the amended design or location of the dwelling.

7.13 Provision of affordable & special needs housing

Not applicable.

7.14 Trees, Landscaping and Ecology

Not applicable as these has not been impacted by the amended design or location of the dwelling.

7.15 Sustainable waste management

Not applicable as these has not been impacted by the amended design or location of the dwelling.

7.16 Renewable energy / Sustainability

Not applicable as these has not been impacted by the amended design or location of the dwelling.

7.17 Flooding or Drainage Issues

Not applicable as these has not been impacted by the amended design or location of the dwelling.

7.18 Noise or Air Quality Issues

Not applicable as these has not been impacted by the amended design or location of the dwelling.

7.19 Comments on Public Consultations

No further considerations of the public consultations.

7.20 Planning Obligations

Not applicable as these has not been impacted by the amended design or location of the dwelling.

7.21 Expediency of enforcement action

The items is also being reported as a Part 2 item seeking and enforcement notice to be served on the dwelling.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

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

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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

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

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

9. Observations of the Director of Finance

None received.

10. CONCLUSION

The dwelling by virtue of failure to achieve subserivent gable ends in the principal elevation has resulted in a dwelling which fails to respect the character of the Copse Wood Estate Area of Special Local Character. The development would set a precedence

for future applications at nearby sites which would lead to the further deterioration of the character of the surrounding area. The development is therefore contrary to Policy BE1 (Built Environment) of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE5, BE13, BE15 and BE19 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

11. Reference Documents

London Plan 2011.

Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

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

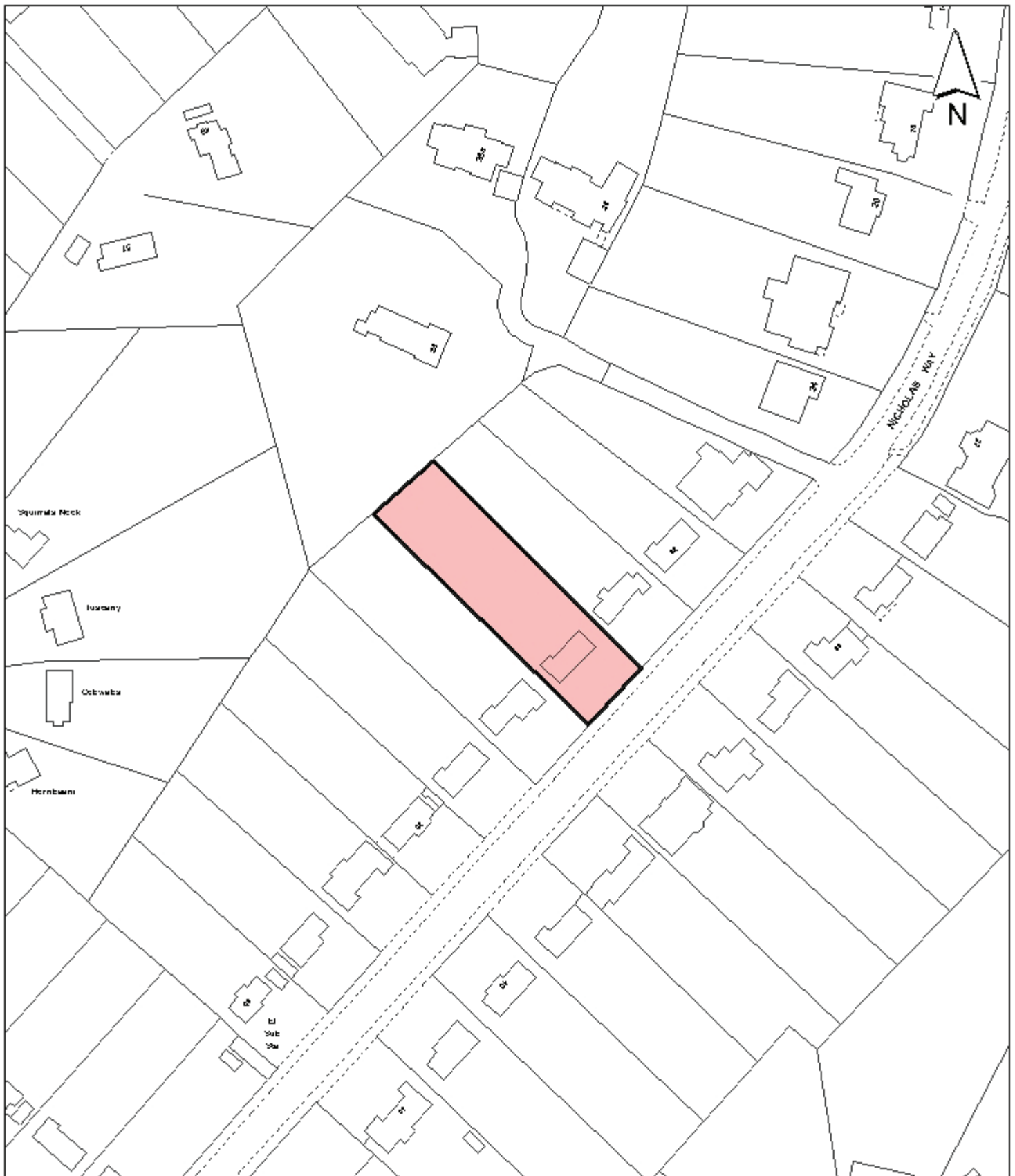
Hillingdon Design and Accessibility Statement: Residential Layouts.

Hillingdon Design and Accessibility Statement: Accessible Hillingdon.


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

Contact Officer: Alex Smith

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Notes

 Site boundary

For identification purposes only.

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Site Address

**36 Nicholas Way
Northwood**

**LONDON BOROUGH
OF HILLINGDON
Residents Services**

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

Planning Application Ref:
41018/APP/2013/1224

Scale
1:1,250

Planning Committee
North

Date
**December
2013**



HILLINGDON
LONDON