

Report of the Head of Planning, Sport and Green Spaces

Address 39 COPSE WOOD WAY NORTHWOOD

Development: Two storey, 5- bedroom detached dwelling to include habitable roofspace, with associated parking and amenity space involving demolition of existing detached dwelling

LBH Ref Nos: 11007/APP/2013/2426

Drawing Nos: 1176/P3/5
1176/P3/6
1176/P3/7
1176/P3/3
1176/P3/2
1176/P3/4
1176/P3/1
01 (Site Survey - As Existing)
D & A
Code for Sustainable Homes Pre- Assessment
Ecology Survey
Tree Survey

Date Plans Received: 22/08/2013 **Date(s) of Amendment(s):** 22/08/2013

Date Application Valid: 27/08/2013

1. SUMMARY

The application relates to the erection of a two storey, 5-bedroom detached dwelling with habitable rooms in the roof space involving the demolition of the existing dwelling.

The application is the second resubmission for a new dwelling at the site after permission was refused in 2013 under application reference 11007/APP/2013/1490 on the grounds of design, impact to neighbouring dwellings, absence of plans to show the protection of trees and failure to comply with lifetime homes standards.

After this refusal a new revised application was received under application reference 11007/APP/2012/2233. Although amended, it was not considered appropriate. A non-determination appeal was lodged against this scheme which is yet to be determined.

The applicant has now submitted the current scheme which is considered to be appropriate and on balance, would adhere to the design ethos of the Copsewood Estate and would provide good quality accommodation for future occupiers. The other issues at the site have also been addressed by the new proposal. Therefore, the application is recommended for approval.

The application is being reported to committee as two petitions both in support and in objection to the scheme with over 20 signatures to the proposal were received.

2. RECOMMENDATION

APPROVAL subject to the following:

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 1176/P3/5, 1176/P3/6, 1176/P3/7, 1176/P3/3, 1176/P3/2, 1176/P3/4, 1176/P3/1, D & A, Code for Sustainable Homes Pre- Assessment, Ecology Survey, Tree Survey and Shadow Study and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

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

3 RES6 Levels

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

REASON

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

4 RES7 Materials (Submission)

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

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

REASON

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

5 RES8 Tree Protection

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

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

development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details. The fencing shall be retained in position until development is completed. The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

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

REASON

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

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

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

1. Details of Soft Landscaping

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

2. Details of Hard Landscaping

- 2.a Refuse Storage
- 2.b Cycle Storage
- 2.c Means of enclosure/boundary treatments
- 2.d Car Parking Layouts
- 2.e Hard Surfacing Materials
- 2.f External Lighting
- 2.g Other structures (such as play equipment and furniture)

4. Schedule for Implementation

5. Other

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

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

REASON

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

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

7 RES10 Tree to be retained

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

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

REASON

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

8 HO7 No roof gardens

Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.

REASON

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

9 HO5 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 No.s 37 and 41 Copsewood Way.

REASON

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

10 HO6 Obscure Glazing

The first floor window(s) facing No.s 37 and 41 Copsewood Way shall be glazed with

permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

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

11 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.

12 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.

13 RES18 Lifetime Homes/Wheelchair Units

All residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards as set out in the Council's Supplementary Planning

Document 'Accessible Hillingdon'.

REASON

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

14 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.

15 RES19 Ecology

No development or demolition shall take place until the actions set out below have been undertaken and a report detailing the outcomes of the actions and any proposed mitigation measures have been submitted to, and approved in writing by, the Local Planning Authority:

- i) A follow-up bat emergence survey is undertaken in Spring 2014 at the property, so to ensure that no roosting bats are present within external crevices found at the structure or in any trees;
- ii) A total of two bat survey night visits should be undertaken for this lower potential building for bats, with bat detectors being used by the two bat surveyors present. Two night visits should be sufficient in suitable weather conditions and these visits should last for at least 1.5 hours after sunset.

Thereafter, the development shall be completed in full accordance with the approved details.

REASON

In order to ensure the protection of bat and bat roosts from any potential harm caused by the proposed development in accordance with policy EC2 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (July 2011) Policy 7.19.

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

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

BE13	New development must harmonise with the existing street scene.
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.
BE5	New development within areas of special local character
BE6	New development within Gate Hill Farm and Copsewood Estates areas of special local character
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
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
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 5.3	(2011) Sustainable design and construction
LPP 8.2	(2011) Planning obligations
LPP 8.3	(2011) Community infrastructure levy

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 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.

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 IT05 Wildlife and Countryside Act 1981

Wildlife and Countryside Act 1981: Note that it is an offence under this act to disturb roosting bats, nesting birds or any other protected species. Therefore, it is advisable to consult your tree surgeon / consultant to agree an acceptable time for carrying out the approved works.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the south east side of Copse Wood Way and comprises a large detached two storey house, with a two storey front gable set within a large plot characteristic of houses in the street. The application property is typical of the street scene which is characterised by large detached properties with red/brown brick, timber detailing, front gables and attractive front gardens.

To the north east on lower ground is No.37 Copse Wood Way, and No.41 Copse Wood Way lies to the south west on a slightly higher ground towards the brow of the hill, both comprising detached two storey houses.

There is a mature, protected Oak in the front garden and, amongst other smaller trees, a mature, protected Oak in the rear garden. The trees contribute to the arboreal/wooded character of the Copse Wood Estate Area of Special Local Character (CWEASLC) and have a high (collective) amenity value.

The land in front of the dwelling provides a driveway with space to park at least two cars.

The street scene is characterised by similar sized detached two storey houses set within spacious plots interspersed with mature trees. The application site lies within a Developed Area and the Copse Wood Estate Area of Special Local Character as identified in the policies of the Hillingdon Local Plan - Part 2. The application site is covered by TPO 398 and TPO 398 A1.

3.2 Proposed Scheme

The proposed development comprises the erection of a two storey, 5- bedroom detached dwelling to include habitable roofspace, with associated parking and amenity space involving demolition of the existing detached dwelling.

The building would measure 8.81m high, 13.41m wide and 12.05m deep. The property would be located 1.9m away from the boundary shared with No. 37 Copse Wood Way and 2.1m away from the side boundary line shared with No. 41 Copse Wood Way. The roof profile would be pitched with an inverted crown roof behind the main ridge. A single storey rear element would be located at the rear measuring 2.6m deep, 4m high and 7.9m wide. A small front dormer and rear inset dormer are proposed.

The proposed building would be laid out over three stories, including the rooms in the roof, with timber windows and timber doors.

The private garden area to the rear of the building measuring 557 square metres would be retained.

The proposal would provide accommodation on three floors. The ground floor would provide a drawing room, breakfast/kitchen area, a study, dining room, utility room and a single width garage. The first floor would comprise 4 bedrooms en-suite bedrooms, 1 of which would be a master suite with a walk-in wardrobe, and a sitting area. The second floor would comprise the 5th ensuite bedroom, a leisure area and storage. The development would provide approximately 400 square metres of accommodation.

The existing crossover into the side would be retained, with parking also available on the driveway in front of the dwelling.

The applicant seeks to address the previous refusal reasons of application 11007/APP/2012/2233 and the potential reasons for refusal the Council had, with regards to application 11007/APP/2013/1490 (which is the subject of a non-determination appeal) by undertaking the following:

Changes from previously refused scheme ref. 11007/APP/2012/2233:

- changing the design concept from a mock Georgian to a more traditional vernacular design
- removing the large crown roof, replacing it with a smaller inverted crown roof
- reducing the rear element by 0.3m
- provided a tree survey and associated information

Changes from scheme subject to non determination appeal ref.11007/APP/2013/1490:

- a reduction in the width of the double garage to provide a single garage
- an increase in the separation distance to the south-western boundary
- stepping the scheme back to conform to the existing building line
- reducing the single storey rear element
- demonstrating that the 45-degree line of sight would be complied with
- meeting a number of lifetime home standards
- providing a tree survey and associated information

The applicant has also provided supporting information which includes a shadowing study and an ecology report.

3.3 Relevant Planning History

11007/A/98/1755 39 Copse Wood Way Northwood
Tree surgery to six Hornbeam stems in Area A1 on TPO 398

Decision: 14-10-1998 Approved

11007/APP/2012/2233 39 Copse Wood Way Northwood
Two storey, 5- bedroom detached dwelling to include habitable roofspace, with associated parking and amenity space involving demolition of existing detached dwelling

Decision: 03-01-2013 Refused

11007/APP/2013/1490 39 Copse Wood Way Northwood
Two storey, 5- bedroom detached dwelling to include habitable roofspace, with associated parking and amenity space involving demolition of existing detached dwelling

Decision: 08-10-2013 Refused

11007/B/99/2060 39 Copse Wood Way Northwood
Tree surgery to one Oak and four Hornbeam trees in area A1 on TPO 398

Decision: 08-11-1999 Approved

11007/TRE/2000/95 39 Copse Wood Way Northwood
TREE SURGERY TO ONE OAK TREE AND FOUR HORNBEAM TREES IN AREA A1 ON TPO 398

Decision: 18-09-2000 Approved

11007/TRE/2001/18 39 Copse Wood Way Northwood
TREE SURGERY TO ONE SIX-STEMMED HORNBEAM COPPICE STOOL IN AREA A1 ON TPO 398, INCLUDING THINNING THREE STEMS BY 20% AND COPPICING (THREE STEMS)

Decision: 09-03-2001 Approved

11007/TRE/2001/73 39 Copse Wood Way Northwood
TREE SURGERY TO FOUR HORNBEAM TREES IN AREA A1 ON TPO 398

Decision: 08-08-2001 Approved

11007/TRE/2004/108 39 Copse Wood Way Northwood
TO CARRY OUT TREE SURGERY TO ONE OAK TREE WITHIN AREA A1 BY REMOVAL OF LOWEST SIX BRANCHES TO LIFT CROWN AND REMOVAL OF DEADWOOD ON TPO 398

Decision: 05-11-2004 Approved

11007/TRE/2007/120 39 Copse Wood Way Northwood
TO FELL TWO OAK TREES IN AREA A1 ON TPO 398 (REF: 33866/2442455)

Decision: 10-10-2008 NFA

11007/TRE/2011/122 39 Copse Wood Way Northwood
To fell two Oak trees in area A1 on TPO 398.

Decision: 27-01-2012 SD

Comment on Relevant Planning History

NON DETERMINATION APPEAL

During the course of the previous application ref. 11007/APP/2013/1490 it was made clear to the agent during two detailed telephone conversations and a e-mail dated 5 August 2013, that a number of changes would be required in order for the application to be acceptable. However given the number of objections received, it would be necessary to resubmit the scheme to allow for the required consultation. The requested changes comprised the following:

- reduction in the width of the double garage to provide a single garage
- stepping the scheme back to conform to the existing building line
- omitting the single storey rear element
- demonstrate that the 45-degree line of sight would be complied with
- meet a number of lifetime home standards

The agent expressed that the scheme may be withdrawn, however at a later date it was confirmed to the Planning Officer that the scheme should be determined. During this time an appeal for non-determination was submitted. Subsequently, a further application has been received (Ref. 11007/APP/2013/2426 - the current application) for a scheme making changes to the scheme which the Council initially suggested.

Although the Local Authority did not have the authority to determine the above application, it notified the Planning Inspectorate that the following refusal reasons would have been applied in the event that a non-determination appeal had not been lodged:

1. The proposed development by reason of its overall size, scale, bulk, width and design would result in the overdevelopment of the site which would be harmful and detrimental to the visual amenities of the application site, the street scene and the wider Copse Wood Estate Area of Special Local Character. The proposal is therefore contrary to Policies BE5, BE13, BE15 and BE19 of the Adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (2011) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2. The proposed development, in relation to the single storey rear addition and raised patio area, by reason of its size, design, mass, bulk and proximity, would result in an overly dominant feature that would overshadow the adjoining property at 37 Copse Wood Way, resulting in a visually intrusive, overly dominant and an un-neighbourly form of development, resulting in an undue and material loss of residential amenity to the occupiers of 37 Copse Wood Way. Therefore the proposal would be contrary to Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies

(November 2012) and to the Council's Supplementary Planning Document HDAS: Residential Layouts.

3. The proposal would fail to meet relevant Lifetime Home Standards, to the detriment of the residential amenity of future occupiers and contrary to Policy 3.8 of the London Plan (2011) and the Council's adopted Supplementary Planning Document HDAS: Accessible Hillingdon.

4. The proposal has failed to demonstrate the proposed development will not disturb or harm a bat roost. Therefore, it has not been possible for the Council to determine the impacts of the proposal to an European Protected Species, contrary to Policy EC2 Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

PREVIOUS PLANNING APPLICATIONS

Planning permission was refused on the 1 March 2013 (Ref. 11007/APP/2012/2233) for the erection of a two-storey 5-bedroom property involving the demolition of the existing property on the following grounds:

1. The proposed development by reason of its size, scale, bulk, width and design would result in a dwelling, at odds with the local vernacular character of the area and further exacerbated by the cramped appearance of the site that would be harmful and detrimental to the visual amenities of the application site, the street scene and the wider Copse Wood Estate Area of Special Local Character. The proposal is therefore contrary to Policies BE5, BE13, BE15 and BE19 of the Adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2. The proposed development, by reason of its size, design, mass, bulk and proximity, would result in an overly dominant feature that would overshadow the adjoining property at 37 Copse Wood Way, resulting in a visually intrusive and an un-neighbourly form of development, resulting in a loss of light and material loss of residential amenity to the occupiers of 37 Copse Wood Way. Therefore the proposal would be contrary to Policies BE19, BE20 and BE21 of the Adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to the Council's Supplementary Planning Document HDAS Residential Layouts.

3. In the absence of an accurate site plan and tree survey (to BS5837:2005) showing all of the existing trees (on and close to the site) between the houses and at the front of the site, details of existing and proposed levels and services, and a complete Arboricultural Implication Assessment and Method Statement (to BS5837: 2005) taking account of all the baseline tree-related information and all of the proposed works, including additional hard-standing, and any associated changes in levels and/or services, the application has failed to demonstrate that the development makes adequate provision for the protection and long-term retention of the valuable existing trees, many of which are subject to a tree preservation order. The premature decline or loss of any of the trees, in particular the protected Oak at the front of the site would be detrimental to the amenity and wooded character of the street scene and the wider Copse Wood Estate Area of Special Local Character. The proposal is, therefore, contrary to Policy BE38 of the Adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

4. The proposal would fail to meet relevant Lifetime Home Standards, to the detriment of the residential amenity of future occupiers and contrary to Policy 3.8 of the London Plan (2011) and the Council's adopted Supplementary Planning Document HDAS: Accessible

Hillingdon.

The applicant seeks to address the above concerns by providing the following:

1. Changing the design concept from a mock Georgian to a more traditional vernacular design
2. Removing the large crown roof and replacing with a smaller crown roof
3. Reducing the rear element by 0.3m in depth.
4. Providing a tree survey and associated information.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

- BE13 New development must harmonise with the existing street scene.
- 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.
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- BE23 Requires the provision of adequate amenity space.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- BE5 New development within areas of special local character
- BE6 New development within Gate Hill Farm and Copsewood Estates areas of special local character
- AM14 New development and car parking standards.
- AM7 Consideration of traffic generated by proposed developments.
- 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
- 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 5.3 (2011) Sustainable design and construction
- LPP 8.2 (2011) Planning obligations

LPP 8.3 (2011) Community infrastructure levy

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

2 neighbouring properties and the Northwood Residents Association were consulted. A site notice was also displayed on the 4 October 2013.

A petition has been received with 28 signatories in support of the proposal.

1 letter of objection and petition has been received with 24 signatories raising the following objections:

1. Design - The design of the scheme is a considerable improvement
2. Overshadowing, enclosure, intrusion and loss of outlook
3. Overlooking- caused by the extent of the terrace and side study window
4. Loss of Trees and hedges
5. Contrary to Local Plan policies

The petition specifies that if in the event a number of amendments were undertaken to address the above concerns, then petitioners would withdraw their objection.

Internal Consultees

Design and Conservation:

Linksway is designated as part of an Area of Special Local Character (ASLC). Linksway is a lengthy, straight, tree-lined avenue fronted by large detached dwellings set in generous grounds. This is a residential area of high quality, and a general sense of verdant spaciousness is exuded. However, as acknowledges in a recent appeal decision relating to no. 36 Linksway there has been recent development and redevelopment in Linksway and adjoining streets, and a wide variety of architectural styles is on display.

Nothing in the existing dwelling's features or appearance distinguishes it as being of particular architectural merit, and its demolition would not be objectionable. Further, the design of the building, which has been amended to have regard to comments on previous proposal, is considered to be acceptable and would integrate successfully within the surrounding street scene.

Accordingly, no objections are raised to the proposal in terms of the design or impact on the Area of Special Local Character.

Trees & Landscaping:

Tree Preservation Order (TPO) / Conservation Area: This site is covered by TPO 398. Significant trees / other vegetation of merit in terms of Saved Policy BE38 (on-site): There is a mature, protected Oak in the front garden and, amongst other smaller trees, a mature, protected Oak in the rear garden. The trees contribute to the arboreal / wooded character of the Copse Wood Estate Area of Special Local Character (CWEASLC) and have a high (collective) amenity value. The proposed tree protection is adequate. Significant trees / other vegetation of merit in terms of Saved Policy BE38 (off-site): None that will be affected. Recommendations: The landscaping plan

(requested by condition) should show how the edge of the cell web structure will integrate with the parts of the existing lawn that are to be untouched; and should also explain (by way of notes) that the levels and small retaining brick wall will not be altered / removed (as per conversation with the applicant on-site on 26/09/2013). Conclusion (in terms of Saved Policy BE38): Acceptable, subject to conditions RES8 (implementation of approved tree protection), RES9 (1, 2, 5, 6) and RES10.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

There is no objection to the principle of redeveloping the site to provide a larger residential dwelling.

Any planning proposal would need to accord with the design policies set out within Hillingdon Local Plan: Part One - Strategic Policies (November 2012), and the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and relevant design guidance contained within HDAS Residential Layouts.

7.02 Density of the proposed development

The proposed development would have a density of 9.29 units per hectare and 92.93 habitable rooms per hectare. Whilst this is below the requirements of Policy 3.4 of the London Plan (July 2011), this is to be expected due to the size of the plot and nature of development on the Copsewood Estate. The key consideration is therefore whether the development sits comfortably within its environment rather than a consideration of the density of the proposal.

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

It is considered that the proposed development would harmonise with the character and appearance of the Copsewood Estate Area of Special Local Character. Further details with regards to this are included in section 7.07 of this report.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to ensure that new development complements and improves the character and amenity of the area. Policy BE5 requires new developments within Areas of Special Local Character to harmonise with the materials, design features, architectural style and building heights predominant in the area. Policy BE6 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires two-storey developments in the Copsewood Estate to be 1.5m set-in from the side boundary.

It is acknowledged that the applicant has departed from the pseudo-georgian features of the previous proposal, and has proposed a more traditional design concept, with a assymetric design with articulated elevations, detailing and materials which are in keeping with the design ethos of the Copsewood Estate.

Policy 7.4 of the London Plan states that buildings, should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area is informed by the surrounding historic environment.

The excessive amount of flat, crown roof has been reduced and replaced with a smaller inverted crown roof profile. The proposed crown roof, although not ideal, would be sunk below the ridge line by 600mm and thus would not appear conspicuous and would accommodate elevations which would provide visual interest and detailing.

Further, the detailing of the proposed development including the entrance surround/open porch, chimney, staggered projecting gables, timber frames and doors contribute to the visual amenity and character of the locality adhering with the vernacular 'cottage-in-the-woods' design premise of the Estate. It is considered that the design of the proposed house reflects the materials, design features and building heights predominant in the locality whilst providing an element of architectural individuality which is characteristic within the Copsewood Estate. Further the proposed development would be set back at least between 1.9m and 2.1m from the side boundaries in order to maintain key visual gaps between the properties.

The proposed building line has been stepped back from the original footprint to accord with the urban grain and building line of the surrounding properties.

The proposed single storey rear addition was previously considered 'boxy'. This has been reduced in height and width and would no longer dominate the rear of the property. Whilst the entire removal of this element would be preferable (as previously requested) it is considered that this element alone would not warrant a refusal.

The proposed development would now provide a good quality of urban design in accordance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and would harmonise with the form of development in the street scene and the Copsewood Estate Area of Special Character, according with Policies BE5, BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (2011) and the Supplementary Planning Document (SPD) HDAS Residential Layouts.

7.08 Impact on neighbours

Paragraph 4.11 of HDAS Residential Layouts states that the 45° principle will be applied to new development to ensure the amenity of adjoining occupiers and future occupiers are protected. Paragraph 4.9 states that a minimum acceptable distance to minimise the negative impact of overbearing and overshadowing is 15m. Paragraph 4.12 requires a minimum of 21m distance between facing habitable room windows to prevent overlooking and loss of privacy. Policy BE21 states that planning permission will not be granted for new buildings which by reason of their siting, bulk and proximity would result in significant loss of residential amenity

The current relationship between the existing dwelling on the application site and No.37 is finely balanced. The substantial drop in ground level between the two, at approx. 2.3m, is managed by the existing dwelling through having the two storey element set away from this boundary shared with No.37 Copse Wood Way and with lowered eaves that permit a first storey with rooms partially in the roofspace.

Based on the above, the previous application would have been refused due to the depth and extent of the single storey rear extension and terrace. The applicant has sought to address this issue through decreasing the depth of the rear extension from 4m to 2.6m deep; reducing the width of the rear element which in turn increases the separation distance between the rear extension and the boundary with No. 37 to 7.11m and the flank wall to flank wall of the single storey extension to 13m. Furthermore, the terrace has also

been reduced in depth to 3.13m, and would be 7.68m away from the main flank wall of No. 37.

A shadowing study which has been undertaken at differing times of the day (11am, 1pm, 3pm 5pm and 7pm) and is considered to demonstrate that the development would not result in an unacceptable increase in shadowing of neighbouring properties.

The windows of the proposed development would overlook the street of Copse Wood Way or the rear garden of the application site. The windows on the side elevation are proposed to be obscure glazed, to prevent the overlooking of No.41 Copsewood Way. The ground floor side window facing No.37 would provide a study. This is considered to be appropriate given its ground floor location and given that it doesn't directly overlook any windows.

Taking into account the above, it is considered that the proposed development would not unduly affect the amenities of No. 37.

The relationship of the proposal with the dwelling to the west at No. 41 is considered to be satisfactory given the siting and layout of No.41 in relation to the development and the fact that No.41 is sited on higher ground level.

Paragraph 4.12 of the Hillingdon Design and Access Statement: Residential Layouts requires a 21 metre distance separation between facing habitable room windows to ensure no loss of privacy would occur. There exists more than this distance to the front and rear of the property. Therefore it is considered the most pertinent consideration would be overshadowing and overlooking to the properties either side. No windows to primary rooms are proposed to the sides of the property, therefore it is considered that there is unlikely to be a problem of overlooking. Therefore, the proposal is not considered to result in any significant overlooking of any neighbouring occupier, in accordance with Policy BE24 of the Hillingdon Local Plan (November 2012).

The proposed development would not cause any undue visual intrusion, loss of daylight or loss of sunlight by virtue of the siting and massing of the proposed development. Therefore, it is considered that the proposed development would not constitute an un-neighbourly form of development in compliance with Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

The size of the dwelling at well over 400sq.m and the size of the amenity space at over 400sq.m would easily meet London Plan and Council standards. It is considered that all the proposed habitable rooms would maintain an adequate outlook and source of natural light, therefore complying with Policies 3.5 and 5.3 of the London Plan (2011).

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposed dwelling would continue to benefit from sufficient off road parking to the front driveway and a garage with space for two car and two bicycles. Therefore, the proposed development would comply with Policy AM7, AM9, AM14 and BE19 of the Hillingdon Local Plan - Part 1 and Part 2 Strategic Policies.

7.11 Urban design, access and security

The issues relating to urban design have been covered in Section 7.07 of the report. Issues relating to security would be covered by the imposition of a secure by design condition in the event of any approval.

7.12 Disabled access

The proposed development has been amended to meet lifetime homes requirements and to provide disabled access through the front entrance and within the property.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

TREES AND LANDSCAPING

Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires the retention of landscape features of merit and new landscaping and planting where possible.

The site is covered by TPO 398 and TPO 398 A1. The proposal suggests maintaining the protected trees at the front of the site and within the rear garden. A tree report has been submitted and the Tree Officer is satisfied that the proposal would accord with Policy BE38 of the Hillingdon Local Plan (November 2012).

ECOLOGY

Policy EC5 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that on site ecology features to be retained and enhanced where possible. Policy 7.19 of the London Plan requires biodiversity and natural heritage to be conserved and enhanced for the benefit of current and future Londoners within new developments.

An independent ecology survey (fully licensed by Natural England) was undertaken and it concluded that no bat evidence was found during this daytime survey visit. Furthermore, the loft was very poor for bats, with no obvious access present and the overall impact of the proposed development predicted is Low/Moderate. Nevertheless, the report recommended that a follow-up bat emergence survey be undertaken at the property, so to ensure that no roosting bats are present within external crevices found at the structure. Given the time of year, it was not possible to undertake a further bat survey ahead of the resubmission. As a bat survey has been undertaken and no bats were found and that the other reasons for refusal have been overcome, it is considered appropriate for the follow up bat survey and requirements of the bat survey to be completed prior to the commencement of development. Therefore, a condition with regards to this would be added to any approval.

7.15 Sustainable waste management

Adequate refuse storage can be accommodated within the property and can be secured by way of condition.

7.16 Renewable energy / Sustainability

Policy 5.3 of the London Plan requires the highest standards of sustainable design and construction in all developments to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. The applicant has proposed to meet Code for Sustainable Homes level 4. This has been conditioned.

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

The objections raised are responded to in the main body of the report.

7.20 Planning Obligations

There would be no Planning Obligations arising from this proposal as the proposal does not result in a net gain of six habitable rooms.

The proposed development would exceed 100sq.m providing 229sq.m of additional net floor area and therefore there would be a requirement to make a CIL contribution of £7979.06 which has been acknowledged by the applicant.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in "Probity in Planning, 2009".

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have "due regard" to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different "protected characteristics". The "protected characteristics" are age, disability, gender reassignment,

pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have "due regard" to the above goals means that members should consider whether persons with particular "protected characteristics" would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances."

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The proposal has overcome the reasons for refusal relating to the impact on the amenity of the neighbouring occupiers, design and lifetime homes standards. It is considered that the proposed scheme would not harmonise with the visual amenity and character of the Copsewood Estate Area of Special Local Character and would provide good quality accommodation for future occupiers.

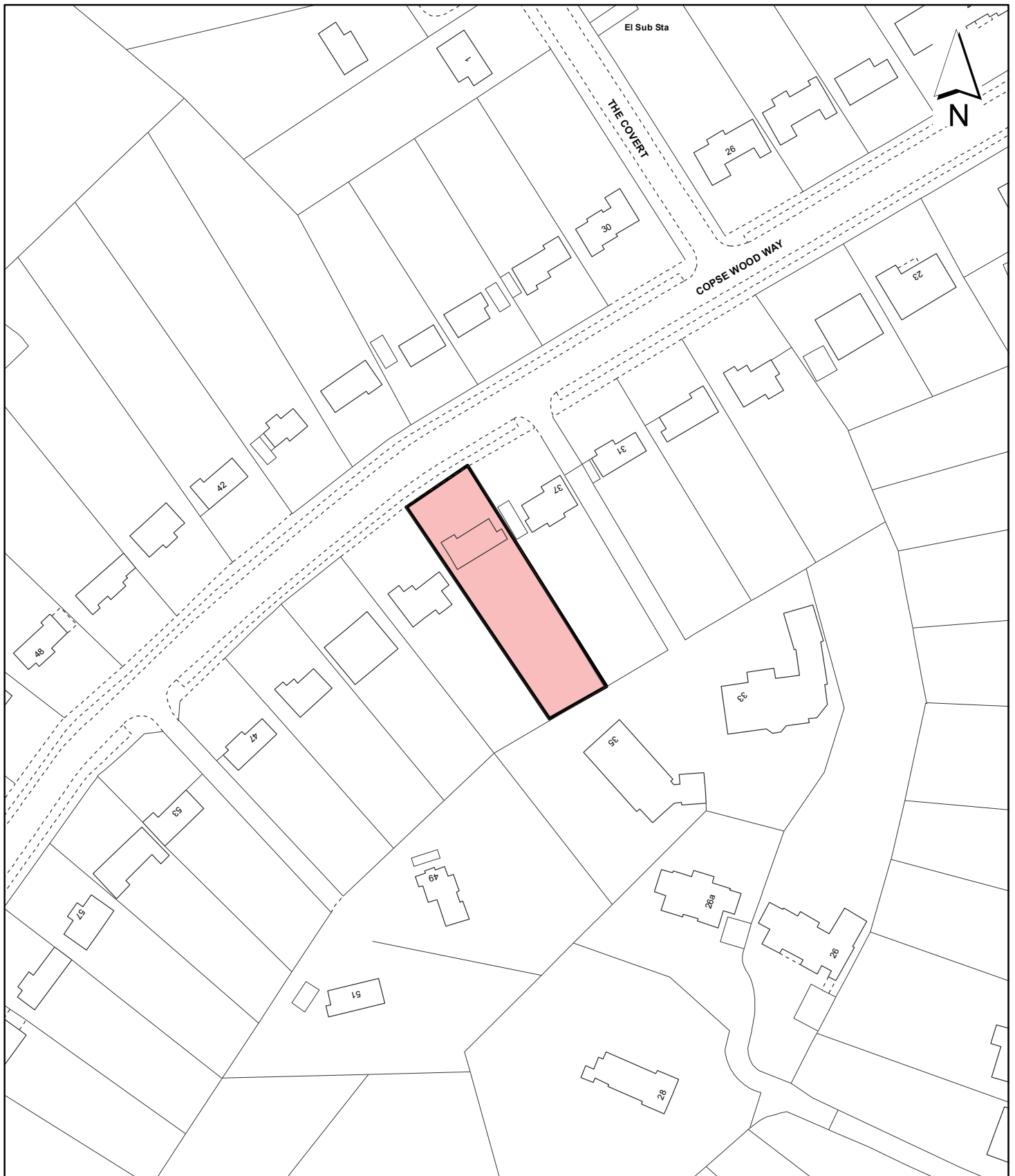
Therefore, the application is recommended for approval.


11. Reference Documents

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

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<p>Notes</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).</p> <p>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>39 COPSEWOOD WAY NORTHWOOD</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Residents Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p>11007/APP/2013/2426</p>	<p>Scale</p> <p>1:1,250</p>	
	<p>Planning Committee</p> <p>North</p>	<p>Date</p> <p>January 2014</p>	