

Report of the Head of Planning, Sport and Green Spaces

Address LAND FORMING PART OF 11, AND 11 DUCKS HILL ROAD
NORTHWOOD

Development: Two storey, four-bedroom detached dwelling with associated parking,
involving demolition of existing garage

LBH Ref Nos: 42254/APP/2013/2897

Drawing Nos: Design and Access Statement
12/C/RH/04
12/C/RH/05

Date Plans Received: 03/10/2013 **Date(s) of Amendment(s):**

Date Application Valid: 15/10/2013

1. SUMMARY

The application seeks planning permission for the erection of a two storey, four bedroom dwelling after demolition of an existing garage block on land adjacent to No.11 Ducks Hill Road.

The proposed new dwelling was first granted consent on 30th November 2007 under application reference 42254/APP/2007/1800.

An application to extend the time limit for implementation was approved on 25th February 2010 under application reference 42254/APP/2009/2803. Between the approval of the 2007 and 2010 consents, the Local Planning Authority adopted the Planning Obligations Supplementary Planning Document in July 2008. This document sets out the Councils justification for seeking contributions towards nursery, primary, secondary and post- 16 school facilities. Due to this, Condition 26 was added to the 2010 approval which is stated below:

Before the development hereby permitted is commenced, a scheme shall be submitted to, and approved in writing by the Local Planning Authority detailing how additional or improved educational facilities will be provided within a 3 miles radius of the site to accommodate the nursery, primary and secondary school child yield arising from the proposed development. This shall include a timescale for the provision of the additional/improved facilities. The approved means and timescale of accommodating the child yield arising from the development shall then be implemented in accordance with the agreed scheme.

REASON

To ensure the development provides an appropriate contribution to educational facilities within the surrounding area, arising from the proposed development, in accordance with Policy R17 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and the Council's Supplementary Planning Guidance on Educational Facilities.

The applicant appealed Condition 26 of the 2010 approval and the inspector upheld the appeal and the Condition was withdrawn from the decision notice, appeal reference APP/R5510/A/10/2124906/WF dated 7th October 2010. In his decision the inspector

allowed the appeal as the condition was unclear over what was required of the applicant, contrary to paragraph 31 of Planning Circular 11/95. Also during the appeal the Local Planning Authority suggested that the 'scheme' referenced in Condition 26 related to a financial contribution. The inspector found that the proposed financial requirement of the condition was contrary to paragraph 83 of Circular 11/95. The inspector also found that the Council had not countered the applicant's argument that there was no deficiency in educational facilities within three miles of the site and therefore, failed to show how the condition was directly related to the development.

The most recent application (ref.42254/APP/2012/2674) for a two storey, four-bedroom detached dwelling with associated parking, involving demolition of existing garage was refused for the following reasons and the applicant refused to enter into a legal agreement given the previous appeal at the site.

1. 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 adopted Supplementary Planning Document HDAS: Planning Obligations as amended by Revised Chapter 4 (September 2010).

The application was dismissed on appeal and the Planning Inspector commented to grant planning permission without a requirement for a contribution to education needs would result in material harm which would not be outweighed by any other benefits and that the Council was now correctly using a legal agreement to seek the payment of this sum, rather than a condition.

It is considered that the design of the proposal would be in keeping with the character and appearance of the surrounding area and that it would not be harmful to the amenity of nearby residents or future occupiers. The proposal would be of low density and the internal floor space would provide an adequate level of amenity for future occupants. As such, the proposal is considered acceptable and is recommended for approval subject to conditions and the completion of the legal agreement for the required education contribution.

2. RECOMMENDATION

a) That the Council enters into a legal agreement with the applicant under Section 106 of the 1990 Town & Country Planning Act (as amended) or other appropriate legislation to secure:

i) Educational facilities contribution of £12,796.

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

c) That planning officers be authorised to negotiate and agree details of the proposed Statement.

d) If the Legal Agreement/s have not been finalised before within 3 months of the date of this resolution, delegated authority be given to the Head of Planning, Green Spaces and Culture to refuse planning permission for the following reason:

'The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of capacity enhancements in educational facilities). The proposal therefore conflicts with Policy R17 of the adopted Local Plan and the Council's Planning Obligations SPG.

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 agreement.

f) That if the application is approved, the following conditions be attached:

1 HO1 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 HO2 Accordance with approved

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 12/C/RH/04, 12/C/RH/05, Design and Access Statement.

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 RES7 Materials (Submission)

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

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

REASON

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

4 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:

External amenity space (Plan No.12/C/RH/04)

Car Parking (Plan No.12/C/RH/04)

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 AM14 and AM23

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

5 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 Nos. 11 and 15 Ducks Hill Road.

REASON

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

6 HO6 Obscure Glazing

The first floor windows facing Nos. 11 and 15 Ducks Hill Road 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).

7 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)

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).

8 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).

9 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.

10 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 excising 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.

11 RES16 Code for Sustainable Homes

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

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

REASON

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

12 COM6 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).

13 RES14 Outbuildings, extensions and roof 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 garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to any dwellinghouse(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

REASON

To protect the character and appearance of the area and amenity of residential occupiers in accordance with policies BE13, BE21, BE23 and BE24 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 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).

3 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.

AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
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
OE1	Protection of the character and amenities of surrounding properties and the local area
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
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 6.9	(2011) Cycling
LPP 6.13	(2011) Parking
LPP 7.3	(2011) Designing out crime
LPP 7.4	(2011) Local character
LPP 7.6	(2011) Architecture
LPP 8.2	(2011) Planning obligations
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

4

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 £2,520.00 from Section 8 of Spreadsheet 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

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 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.

9 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.

10 115 Control of Environmental Nuisance from Construction Work

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

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

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

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

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

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out

construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

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

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

12 147 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).

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the eastern side of Ducks Hill Road and comprises a two storey detached house with an attached garage along the side with 15 Ducks Hill Road. To the north lies 9 Ducks Hill Road and to the south lies 15 Ducks Hill Road, both two storey detached houses. The site is located within an established residential area characterised by large properties set in substantial plots and the application site lies within the 'Developed Area' as designated by the adopted Hillingdon Local Plan.

3.2 Proposed Scheme

This application seeks planning permission for the erection of a two storey, four bedroom detached dwelling, with associated car parking. The proposal involves the demolition of the existing attached garage, which currently serves 11 Ducks Hill Road.

Consent was first granted for the scheme in 2007 and an application to extend the time limit for implementation was granted in 2010.

The proposed scheme remains unchanged from the previous approvals. The proposed dwelling would be set 5m behind the front wall of No.11 Ducks Hill Road. It would measure 6.5m wide, 9m deep, 5.1m high at the eaves and 7.2m at the ridge level. The external walls would be finished in red brick and the roof would comprise grey concrete tiles. The proposed house would comprise a living room, kitchen, utility, WC and hall on the ground floor together with 4 bedrooms (one ensuite) and a bathroom on the first floor.

Two off-street parking spaces are proposed along the side of the new house between the boundary with No.11 Ducks Hill Road and two off-street parking spaces have been provided for No.11 Ducks Hill Road, in one front of the house and the other on the opposite side of the existing crossover.

3.3 Relevant Planning History

42254/88/1696 Forming Part Of Bourne Cottage,11 Ducks Hill Road Northwood
Erection of a detached house & garages,plus new vehicular access & replacement garage
Outline App.

Decision: 06-01-1989 Approved

42254/A/91/2024 Forming Part Of Bourne Cottage,11 Ducks Hill Road Northwood
Erection of detached house incorporating integral garage and new vehicular access

Decision: 05-02-1992 Withdrawn

42254/APP/2003/2476 Land Forming Part Of 11, And 11 Ducks Hill Road Northwood
ERECTION OF A FOUR-BEDROOM DETACHED HOUSE WITH DETACHED REAR GARAGE
AND REPLACEMENT GARAGE FOR BOURNE COTTAGE, NO.11 DUCKS HILL ROAD
(INVOLVING DEMOLITION OF EXISTING GARAGE).

Decision: 01-06-2006 Withdrawn

42254/APP/2006/1505 Land Forming Part Of 11, And 11 Ducks Hill Road Northwood
ERECTION OF A FOUR BEDROOM DETACHED HOUSE WITH FORECOURT PARKING
FOR 4 CARS (INVOLVING DEMOLITION OF EXISTING ATTACHED GARAGE)

Decision: 03-08-2006 Refused

42254/APP/2007/1800 Land Forming Part Of 11, And 11 Ducks Hill Road Northwood
Erection of a two storey four-bedroom detached dwellinghouse with associated parking
(involving demolition of existing garage).

Decision: 30-11-2007 Approved

42254/APP/2008/1850 11 Ducks Hill Road Northwood
Installation of a vehicular crossover.

Decision: 19-08-2008 Refused **Appeal:** 17-12-2008 Allowed

42254/APP/2008/336 11 Ducks Hill Road Northwood
INSTALLATION OF A VEHICULAR CROSSOVER.

Decision: 27-03-2008 Refused

42254/APP/2009/209 11 Ducks Hill Road Northwood
Details in compliance with condition 2 (vehicular site lines) of planning permission granted 17 December 2008 at Appeal (Ref 42254/APP/2008/1850) for a vehicular crossover (dropped kerb)

Decision: 31-03-2009 Approved

42254/APP/2009/2803 Land Forming Part Of 11, And 11 Ducks Hill Road Northwood
Erection of a two storey four-bedroom detached dwelling with associated parking (New planning permission to replace an extant planning permission ref.42254/ APP/2007/1800 in order to extend the time limit for implementation.)

Decision: 25-02-2010 Approved **Appeal:** 07-10-2010 Allowed

42254/APP/2012/2674 Land Forming Part Of 11, And 11 Ducks Hill Road Northwood
Two storey, four-bedroom detached dwelling with associated parking, involving demolition of existing garage

Decision: 08-02-2013 Refused **Appeal:** 24-07-2013 Dismissed

42254/B/92/0188 Forming Part Of Bourne Cottage,11 Ducks Hill Road Northwood
Erection of detached house incorporating integral garage and new vehicular accesses for existing and proposed dwellings

Decision: 29-04-1992 Approved

Comment on Relevant Planning History

The proposed new dwelling was first granted consent on 30th November 2007 under application reference 42254/APP/2007/1800.

An application to extend the time limit for implementation was approved on 25th February 2010 under application reference 42254/APP/2009/2803. Between the approval of the 2007 and 2010 consents, the Local Planning Authority adopted the Planning Obligations Supplementary Planning Document in July 2008. This document sets out the Councils

justification for seeking contributions towards nursery, primary, secondary and post- 16 school facilities. Due to this, Condition 26 was added to the 2010 approval which is stated below:

Before the development hereby permitted is commenced, a scheme shall be submitted to, and approved in writing by the Local Planning Authority detailing how additional or improved educational facilities will be provided within a 3 miles radius of the site to accommodate the nursery, primary and secondary school child yield arising from the proposed development. This shall include a timescale for the provision of the additional/improved facilities. The approved means and timescale of accommodating the child yield arising from the development shall then be implemented in accordance with the agreed scheme.

REASON

To ensure the development provides an appropriate contribution to educational facilities within the surrounding area, arising from the proposed development, in accordance with Policy R17 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and the Council's Supplementary Planning Guidance on Educational Facilities.

The applicant appealed Condition 26 of the 2010 approval and the inspector upheld the appeal and the Condition was withdrawn from the decision notice, appeal reference APP/R5510/A/10/2124906/WF dated 7th October 2010. In his decision the inspector allowed the appeal as the condition was unclear over what was required of the applicant, contrary to paragraph 31 of Planning Circular 11/95. Also during the appeal the Local Planning Authority suggested that the 'scheme' referenced in Condition 26 related to a financial contribution. The inspector found that the proposed financial requirement of the condition was contrary to paragraph 83 of Circular 11/95. The inspector also found that the Council had not countered the applicant's argument that there was no deficiency in educational facilities within three miles of the site and therefore, failed to show how the condition was directly related to the development.

The most recent application (ref.42254/APP/2012/2674) for a two storey, four-bedroom detached dwelling with associated parking, involving demolition of existing garage was refused for the following reasons and the applicant refused to enter into a legal agreement given the previous appeal at the site.

1. 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 adopted Supplementary Planning Document HDAS: Planning Obligations as amended by Revised Chapter 4 (September 2010).

The application was dismissed on appeal and the Planning Inspector commented to grant planning permission without a requirement for a contribution to education needs would result in material harm which would not be outweighed by any other benefits and that the Council was now correctly using a legal agreement to seek the payment of this sum, rather than a condition.

Therefore, the applicant is now willing to enter into a legal agreement for the required sum

as part of the current application.

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:

- AM7 Consideration of traffic generated by proposed developments.
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- AM14 New development and car parking standards.
- 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
- OE1 Protection of the character and amenities of surrounding properties and the local area

- R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities

- 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 6.9 (2011) Cycling
- LPP 6.13 (2011) Parking
- LPP 7.3 (2011) Designing out crime
- LPP 7.4 (2011) Local character
- LPP 7.6 (2011) Architecture
- LPP 8.2 (2011) Planning obligations

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

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 neighbouring occupiers and the Northwood Residents Association were notified of the proposed development on 17th October 2013. Site Notice: Erected 25th October 2013. One response received from a neighbouring occupier with no objection.

Internal Consultees

Highways:

The development proposals are for the construction of a 4 bedroom dwelling within the curtilage of No. 11 Ducks Hill. 2 No. parking spaces will be provided to serve the proposed dwelling and the current parking provision (2 No. vehicle spaces) will be retained to serve the existing dwelling. Additionally, 2 No. cycle parking spaces will be provided for the use of the proposed dwelling.

Access to the site will be provided over the existing double width vehicle crossover along Ducks Hill Road. Visibility along the adjacent highway will be improved with the removal of the existing hedge line along the site boundary.

When considering the parking provision at the site, it is noted that the PTAL index of the adjacent area is 1b, which is classified as very poor. Therefore, the maximum parking provision of 2 No. parking spaces per dwellings considered acceptable in this instance

Therefore, it is considered that the development would not be contrary to the Policies of the adopted Hillingdon Unitary Development Plan and an objection in relation to the highway aspect of the proposals is not raised in this instance. However, a suitably worded condition should be imposed in the planning consent, stating that:

1. The development shall not be occupied until parking area has been laid out, surfaced and drained and shall be permanently retained for the parking of vehicles at all times, and;
2. Pedestrian visibility splays of 2.4m x 2.4m shall be provided from the site access and shall be maintained free of all obstacles above a height of 0.6m from the adjacent carriageway level.

Trees and Landscape:

Tree Preservation Order (TPO) / Conservation Area: N/A

Significant trees / other vegetation of merit in terms of Saved Policy BE38: N/A

Scope for new planting (yes/no): A landscape plan should be provided to show the soft and hard

landscaping. This matter can be dealt with by condition.

Does scheme conform to HDAS (yes/no) : The requested landscape plan should demonstrate that the proposed front garden conforms to HDAS requirements to provide at least 25% soft landscaping whilst also providing adequate off-street parking.

Conclusion (in terms of Saved Policy BE38): Acceptable, subject to condition RES9 (1 & 2).

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The proposed site is located within the 'Developed Area' as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The site is not located in a conservation area and the building is not listed. There are no policies which prevent the demolition of the existing building, in principle.

7.02 Density of the proposed development

It should be noted that on a development of the scale proposed, density in itself is of limited use in assessing such applications and more site specific considerations are more relevant.

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

The property lies within a Developed area and does not fall within a Conservation Area or ASLC and is not a Listed Building.

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

There is a staggered building line in this section of the road with No.11 Ducks Hill Road projecting 3m forward of No.9 Ducks Hill Road and 4m forward of No.15 Ducks Hill Road. The proposed house would be set behind the front elevation of Nos.11 and 15 Ducks Hill Road and as such, would maintain the staggered building line.

The proposed height of the new house would not project above the existing houses in the road. Nos.9 and 11 Ducks Hill Road have a render and pebbledash finish whereas Nos.15, 17 and 19 Ducks Hill Road are finished in red brick. Furthermore, the designs of the houses in the street vary. It is, therefore, considered that given the varied designs and appearance of the houses in the street, the proposed house would be in keeping with this part of Ducks Hill Road. The proposal would therefore harmonise with the character and appearance of the street scene and surrounding area generally, in accordance with Policies BE13 and BE19 of the Hillingdon Local Plan and paragraphs 4.23, 4.24 and 4.27 of the Hillingdon Design & Accessibility Statement: Residential Layouts.

Paragraph 5.1 of the Hillingdon Design & Accessibility Statement: Residential Extensions advises that two storey side extensions should retain a 1m set-in from the side boundary. The proposed house would maintain a 2.8m gap to the side boundary with No.11 Ducks Hill Road and a 1m gap to the side boundary with No.15 Ducks Hill Road. These distances are sufficient to maintain the open character and visual amenities of the street scene in accordance with Policies BE13, BE19 and BE22 of the Hillingdon Local Plan and section 5.0 of the Hillingdon Design & Accessibility Statement: Residential Extensions.

Overall, it is considered that the proposed development, in terms of its siting, size, scale, bulk and design would be in keeping with the character and appearance of the surrounding area and that its visual impact is acceptable, in accordance with Policies

BE13 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012).

7.08 Impact on neighbours

The proposed house would be set 4m from 11 Ducks Hill Road and 3m from 15 Ducks Hill Road. Furthermore, the proposed house would not project beyond the front wall of 11 and 15 Ducks Hill Road and would not project beyond the rear wall of 15 Ducks Hill Road. The proposal would project beyond the rear wall of 11 Ducks Hill Road by some 4m however, given the 4m gap that would be retained between the existing and new houses, the proposal would not extend beyond the 45-degree line of sight taken from the ground floor and first floor rear-facing windows at 11 Ducks Hill Road, closest to the side boundary with the new house.

All the proposed side-facing openings would provide a secondary source of natural light or would serve non-habitable rooms, and therefore can be fitted with obscure glass to prevent overlooking.

Due to the site orientation, additional shadow would fall on 11 Ducks Hill Road particularly between the hours of 8am and 2pm. However this increase is not considered to be so significant as to justify a refusal of planning permission.

As such, the proposal would comply with policies BE20, BE21 and BE24 of the adopted Hillingdon Local Plan and paragraphs 4.9 and 4.12 of the Hillingdon Design & Accessibility Statement: Residential Layouts. 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 Policy BE20 of the Hillingdon Local Plan.

7.09 Living conditions for future occupiers

The proposed house would provide approximately 104sq.m of floorspace which would meet the recommended standard of 100 sq.m of internal floor area required for a 4 bedroom (5 person) dwelling contained within Policy 3.5 of the London Plan (July 2011).

Over 150sq.m of private amenity space would be maintained for the existing house and provided for the new house. Both would meet the recommended standards of 100sq.m for four bedroom houses as set out in paragraph 4.15 of the Hillingdon Design & Accessibility Statement: Residential Layouts. Therefore, the proposed development would comply with Policy BE38 of the Hillingdon Local Plan.

The proposed bedrooms would have windows that face the front and rear of the property and would therefore not be overlooked by adjoining properties.

It is also considered, that all the proposed habitable rooms would maintain an adequate outlook and source of natural light, therefore complying with Policy 3.5 of the London Plan (2011).

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposed development would use the existing vehicle crossover at the site. Therefore, the proposal is considered not to cause significant harm to pedestrian safety in accordance with Policy AM7(ii) of the Hillingdon Local Plan.

Two off-street parking spaces are proposed for the existing and proposed houses. The Council's parking standards require 2 spaces for houses and therefore, the proposal would provide sufficient off-street parking spaces. It is therefore considered that the proposal would not result in an increase in on-street parking to the detriment of highway and pedestrian safety in accordance with policies AM7(ii) and AM14 of the Hillingdon

Local Plan and the Council's Parking Standards.

7.11 Urban design, access and security

ACCESS

London Plan Policy 3.8 and the Council's adopted Supplementary Planning Document HDAS: Accessible Hillingdon require all new housing to be built to Lifetime Homes standards. Given the space available within the houses, this can be secured by means of a condition.

SECURITY

Should the application be approved, a condition is also recommended to ensure that the scheme meets all Secured By Design Criteria.

7.12 Disabled access

See section 7.11

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

There are two large shrubs/small trees at the rear of the site and a mature hedge approximately 1.5m on the frontage, all of which would be retained as part of the proposed works. It should be demonstrated by condition that the proposed front garden conforms to HDAS requirements to provide at least 25% soft landscaping whilst also providing adequate off-street parking. Therefore, subject to tree retention/protection and landscaping conditions, the proposal would comply with policy BE38 of the Hillingdon Local Plan.

7.15 Sustainable waste management

Section 4.40 - 4.41 of the SPD: Residential layouts deals with waste management and specifies bin stores should be provided for, and wheelie bin stores should not be further than 9m from the edge of the highway. The plans indicate the bin store would be located 3.70m from the highway, however no elevations of the bin store have been provided and it is considered this could be dealt with by a suitable condition.

7.16 Renewable energy / Sustainability

The redevelopment of the site allows the opportunity to significantly improve the energy efficiency of the property and accordingly reduce energy demand and CO2 emissions. A condition requiring that the development meets Level 4 of the Code for Sustainable Homes is recommended.

7.17 Flooding or Drainage Issues

The site does not fall within a Flood Zone and therefore the proposed development is not at potential risk of flooding.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

Consultation comments have been addressed in the main body of the report.

7.20 Planning Obligations

Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that the Local Planning Authority will, where appropriate, seek to supplement the provision of recreation open space, facilities to support arts, cultural and entertainment activities, and other community, social and educational facilities through planning obligations in conjunction with other development proposals.

The proposed scheme has more than six habitable rooms and would result in a requirement for an education contribution of £12,796 if the application is recommended for approval. The applicant has agreed to pay this financial contribution.

Community Infrastructure Levy:

The proposed scheme represents chargeable development under the Mayor's Community Infrastructure Levy. At this time the Community Infrastructure Levy is estimated to be £2,520.00.

7.21 Expediency of enforcement action

Not applicable to this application.

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

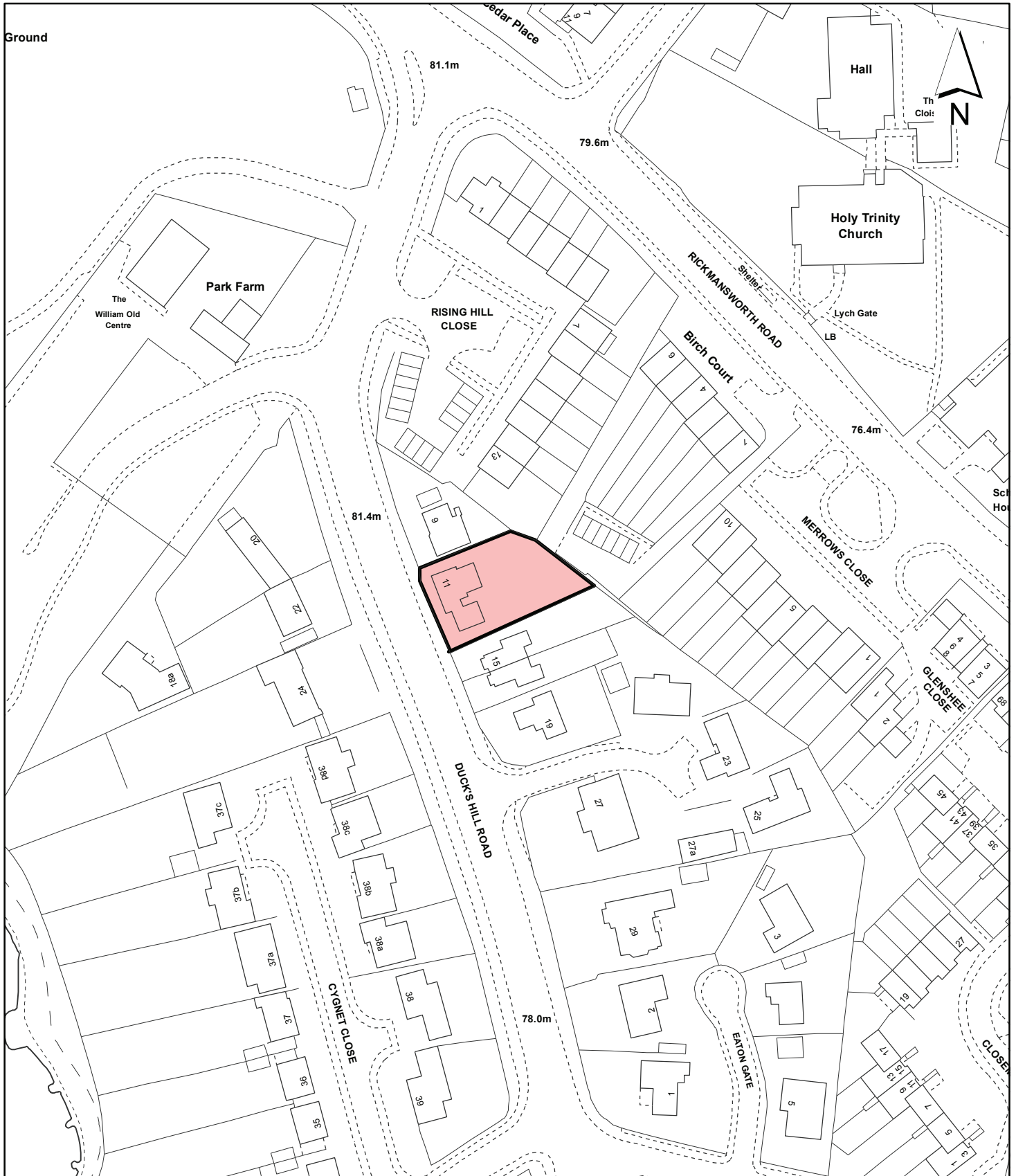
It is considered that the principle of one new house on this site is acceptable, and that the proposed building and use would not be harmful to the character and appearance of the street scene, nor the amenities of nearby residents. Parking and highway safety matters are also satisfactory. The application accords with the Council's planning policies and is therefore recommended for approval, subject to appropriate conditions.

11. Reference Documents


Hillingdon Local Plan (November 2012)
London Plan (July 2011)
National Planning Policy Framework
HDAS: Residential Layouts
Supplementary Planning Guidance - Community Safety by Design
Supplementary Planning Guidance - Noise
Supplementary Planning Guidance - Air Quality
HDAS: Accessible Hillingdon

Contact Officer: Mandeep Chaggar

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Notes

 Site boundary

For identification purposes only.

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Site Address

**LAND FORMING PART OF 11,
AND 11 DUCKS HILL ROAD
NORTHWOOD**

**LONDON BOROUGH
OF HILLINGDON
Residents Services**

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

Planning Application Ref:
42254/APP/2013/2897

Scale
1:1,250

Planning Committee
North

Date
**January
2014**