

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

**Address** 12 HARVIL ROAD ICKENHAM

**Development:** Erection of a two storey, 4 bedroom dwelling house with associated parking, amenity space landscaping and boundary treatments (Part-Retrospective)

**LBH Ref Nos:** 12371/APP/2013/3554

**Drawing Nos:** GLA-663-004 Rev C  
2013/732/P01 Rev B  
GLA-663-002 Rev D  
GLA-663-003 Rev D  
2013/732/P00 Rev A  
2013/732/P02 Rev A  
2013/732/P03 Rev A  
2013/732/P04 Rev A  
2013/732/P05 Rev A  
Design and Access Statement  
Arboricultural Report  
Tree Survey  
Key to Notation in Schedule  
Root Protection Area Calculations  
Appendix 3.0  
Tree Images Sheet Appendix 4.0  
Hedge and Greenbelt Images Sheet 1 Appendix 5.0  
Hedge and Greenbelt Images Sheet 2 Appendix 6.0  
Hedge and Greenbelt Images Sheet 3 Appendix 7.0  
GLA-663-001  
2013/732/P07  
2013/732/P08

**Date Plans Received:** 02/12/2013                      **Date(s) of Amendment(s):**

**Date Application Valid:** 16/12/2013

### 1. SUMMARY

Part retrospective planning permission is sought for the erection of a two storey, four bedroom detached dwellinghouse, with associated parking, landscaping and amenity space.

A dwellinghouse at the site has been largely constructed after planning consent was granted in January 2009 under application reference 12371/APP/2008/1929 for a two storey six-bedroom dwelling (involving the demolition of the existing dwelling).

The dwelling erected at the site does not accord with the 2009 permission due to a number of design features which have been added to the property, including but not limited to the ridgeline and eaves height being higher than approved, the front gable end being significantly higher and with a higher roof pitch, the rear gable end not being hipped and being significantly higher and with a higher pitch, the creation of a centralised rounded bay window and the provision of no two storey bay window in the principal elevation. It is noted that the footprint of the building in terms of its maximum depth and width comply with the 2009 consent.

The current application seeks planning permission for a dwelling at the site to allow the applicant to amend the appearance of the 'as built' dwelling to a design which is acceptable to the Council.

It is noted that two previous applications have been submitted and refused, with both decisions upheld at appeal. The applicant has also lost an appeal against an enforcement notice at the site seeking the demolition of the building or for it be amended to comply with the 2009 consent.

The current application seeks to amend the 'as built' dwelling in the following ways:

Roofs:

- Reduction in the angle of pitch of the main hipped roof from 45 to 35 degrees on all sides (to reduce the area of crown roof) and reduce the overall height by approximately 0.3 metre;
- Reduction in the ridge height of the front and rear gables (by approximately 0.7 and 0.8 metre) to 0.7 metre and 0.5 metre respectively below that of the main roof;
- Alteration of the pitched front and rear gables to hipped roofs; and
- Reduction in the eaves height of the house by 225mm to just above the first floor windows (to match the design and be similar to the eaves height of adjoining houses).

Front Elevation:

- Removal of the cantilevered semi-circular first floor and replacement with dormer window;
- Reduction of the size of the Juliet balcony and the French windows; and
- Provision of supporting columns to the front entrance canopy.

It is considered that with the combined changes to the size, bulk and appearance now sought, the house would represent a form of development which is more in keeping with the existing street layout without detriment to the visual amenities of the open character of the surrounding area. Therefore, the application is recommended for approval.

## **2. RECOMMENDATION**

**APPROVAL subject to the following:**

### **1 HO1 Time Limit**

The development hereby permitted shall be begun before the expiration of two months from the date of this permission and completed in accordance with the approved plans within 6 months of the date of this permission.

REASON

To ensure that the timely restoration of the visual amenities of the locality in compliance with Part 1 Policy BE1 and Part 2 Policies BE13 & BE19 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

### **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 2013/732/P00 Rev A, 2013/732/P01 Rev B, P02 Rev A, P03 Rev A, P04 Rev A and P05 Rev A; and GLA-663-001, GLA-663-002 Rev D, GLA-663-003 Rev D and GLA-663-004 Rev C.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan:

Part Two - Saved Unitary Development Plan Policies (November 2012) and the London Plan (July 2011).

**3 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 (including those associated with any habitable room/living accommodation created at second floor level) facing Nos. 11 or 13 Harvil Road.

**REASON**

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

**4 RES8 Tree Protection**

No site clearance or further 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)

**5 RES9 Landscaping (car parking & refuse/cycle storage)**

Within 2 months of the date of this permission a Schedule for Implementation of the approved landscape scheme shall be submitted to the Local Planning Authority for its approval in writing.

Thereafter, the landscaping scheme shall be implemented in strict accordance with the approved details within 6 months of the date of this permission and retained as such for as long as the development remains in existence.

#### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies BE13, BE38 and AM14 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

#### **6 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 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 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and to comply with Section 197 of the Town and Country Planning Act 1990.

#### **7 RES13 Obscure Glazing**

The first floor windows in the side elevations facing Nos.11 or 13 Havril 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)

#### **8 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)

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

Within 2 months of the date of this permission a scheme for the provision of sustainable water management shall be 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 scheme shall be implemented in strict accordance with the approved details within 6 months of the date of this permission and retained / maintained as such 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.

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

Within 2 months of the date of this permission, a scheme showing the existing building being amended to be in accordance with the 'Lifetime Homes' Standards shall be submitted to the Local Planning Authority for approval

Thereafter, the scheme shall be implemented in strict accordance with the approved details within 6 months of the date of this permission and retained as such for as long as the development remains in existence.

#### REASON

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

#### **11 RES23 Visibility Splays - Pedestrian**

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

0.6m and 2.0m above the level of the adjoining highway.

**REASON**

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

**12 NONSC Non Standard Condition**

Within 2 months of the date of this permission an energy efficiency report has been submitted to the Local Planning Authority for its approval in writing. The energy efficiency report include a full assessment of the site's energy demand and carbon dioxide emissions, measures to reduce this, and the provision of 10% of the sites energy needs through on site renewable energy generation.

The methods identified within the report shall be implemented in strict accordance with the approved details within 6 months of the date of this permission and retained / maintained as such for as long as the development remains in existence.

**REASON**

To ensure that the development incorporates appropriate energy efficiency measures in accordance with policies 5.1, 5.2 & 5.3 of the Hillingdon Local Plan (November 2012).

**13 NONSC Non Standard Condition**

Notwithstanding the plans hereby approved, no gates shall be erected on the sites frontage with Harvil Road unless detailed drawings demonstrating the design, appearance and operation of the gates have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the gates shall be erected and maintained in full accordance with the approved details.

**REASON**

To ensure that any gates maintain an appropriate appearance within the street scene in accordance with Policy BE13 of the Hillingdon Local Plan: Part Two Saved Policies UDP (November 2012) and to ensure the gates do not prejudice highway or pedestrian safety in accordance with Policy AM7 of the Hillingdon Local Plan: Part Two Saved Policies UDP (November 2012).

**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.

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.
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.
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.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
H3	Loss and replacement of residential accommodation
H4	Mix of housing units
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.2	(2011) Minimising Carbon Dioxide Emissions
LPP 5.3	(2011) Sustainable design and construction
LPP 7.6	(2011) Architecture
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 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.

### **5 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).

## **6 14 Neighbourly Consideration - include on all residential exts**

You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work in the early morning or late at night or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Protection Unit, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190).

## **7**

It is noted that the application was accompanied by a document entitled 'Proposed Gates and Controls Appendix 0.0'. This document has not been included within the schedule of plans as the design and appearance of the gates are considered unacceptable. No gate should be installed on the site unless details of an alternative design are first submitted to and approved by the Local Planning Authority in accordance with condition 13 of this permission.

### **3. CONSIDERATIONS**

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

The application site comprises a detached two storey dwelling under construction located on the western side of Harvil Road and approximately 55m to the north of its junction with Highfield Drive. As discussed in the summary for this report, the current dwelling at the site has been built after consent was granted in 2009 for a two storey, 6 bedroom dwelling. The dwelling 'as built' as the site does comply with the planning permission and this application seeks to amend the design of the building to an acceptable standard.

The area is characterised by a mixture of detached two storey houses and chalet bungalows on large plots of land which are set back from the road frontage and generally maintain an open character and appearance. No.11 Harvil Road located to the south of the application site is a two storey detached property and 13 Harvil Road to the north is a detached chalet bungalow. The western boundary of the application site abuts the rear gardens of Nos. 7 and 9 Highfield Drive.

The site is located within the Developed Area of the Borough as identified in the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012). Land to the east of Harvil Road is located within the Green Belt. The site lies within the area covered by TPO No 620. There is a protected Oak, T4, in the rear garden.

#### **3.2 Proposed Scheme**



The proposal seeks planning for the erection of a two storey, four bedroom detached dwellinghouse, with associated parking, landscaping and amenity space.

A dwelling has been erected at the site which does not comply with the 2009 consent. The current application is for part-retropective consent to allow the retention of the existing building with the following changes being proposed:

**Roofs:**

- Reduction in the angle of pitch of the main hipped roof from 45 to 35 degrees on all sides (to reduce the area of crown roof) and reduce the overall height by approximately 0.3 metre;
- Reduction in the ridge height of the front and rear gables (by approximately 0.7 and 0.8 metre) to 0.7 metre and 0.5 metre respectively below that of the main roof;
- Alteration of the pitched front and rear gables to hipped roofs; and
- Reduction in the eaves height of the house by 225mm to just above the first floor windows (to match the design and be similar to the eaves height of adjoining houses).

**Front Elevation:**

- Removal of the cantilevered semi-circular first floor and replacement with dormer window;
- Reduction of the size of the Juliet balcony and the French windows; and
- Provision of supporting columns to the front entrance canopy.

In addition, the application has also incorporated matters that were covered by conditions requiring the submission of details attached to the 2009 permission. These include the boundary treatment which shows the dwarf wall to the road and side boundaries in front of the dwelling retained and a controlled gate entrance and exit, energy efficiency, protective tree fencing and a landscaping scheme.

### 3.3 Relevant Planning History

12371/APP/2007/1822 12 Harvil Road Ickenham

ERECTION OF A TWO STOREY, SIX-BEDROOM DETACHED DWELLINGHOUSE WITH BASEMENT, REAR CONSERVATORY AND ACCOMMODATION IN THE ROOFSPACE INCORPORATING 2 REAR AND 1 FRONT DORMER WINDOWS (INVOLVING DEMOLITION OF EXISTING HOUSE).

**Decision:** 18-09-2007 Refused

12371/APP/2007/3877 12 Harvil Road Ickenham

ERECTION OF A TWO STOREY, SIX-BEDROOM DETACHED DWELLINGHOUSE WITH BASEMENT, FRONT BALCONY AND ACCOMMODATION IN THE ROOFSPACE INCORPORATING 2 REAR AND 1 FRONT DORMER WINDOWS (INVOLVING DEMOLITION OF EXISTING HOUSE).

**Decision:** 01-04-2008 Refused

12371/APP/2007/416 12 Harvil Road Ickenham

ERECTION OF TWO FOUR-BEDROOM HOUSES (INVOLVING DEMOLITION OF EXISTING DWELLINGHOUSE) (OUTLINE APPLICATION)

**Decision:** 30-03-2007 Refused **Appeal:** 13-12-2007 Dismissed

12371/APP/2008/1929 12 Harvil Road Ickenham

Erection of a two storey six-bedroom dwelling (involving the demolition of the existing dwelling)

**Decision:** 26-01-2009 Approved

12371/APP/2010/1521 12 Harvil Road Ickenham

Erection of a 6 bedroom detached dwellinghouse and erection of a detached garage in the rear garden (Part retrospective)

**Decision:** 21-09-2010 Refused **Appeal:** 05-05-2011 Dismissed

12371/APP/2012/619 12 Harvil Road Ickenham

Two storey x 4 bed detached dwelling with associated parking and amenity space

**Decision:** 24-05-2012 Refused **Appeal:** 10-04-2013 Dismissed

12371/APP/2013/2237 12 Harvil Road Ickenham

Alterations to existing house in order to comply with proposals granted planning permission - Decision Notice ref. 12371/APP/2008/1929.

**Decision:** 08-10-2013 NFA

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

Three applications for dwellings on this site were refused in 2007 and 2008. The Inspector commenting on ref: 12371/APP/2007/416 which proposed to subdivide the plot to provide two detached houses, considered that the narrow plot width distance of 1.5m between the two storey flank walls and plot boundaries would give rise to a cramped and unsatisfactory appearance.

The proposed house on the previous application (under ref: 12371/APP/2007/3877) extended across a substantial part of the width of the application site and it was considered that the overall size, bulk and proximity to the side boundaries of that house resulted in an over dominant, incongruous and cramped form of development.

Planning permission was subsequently granted on this site for the erection of a single two storey six-bedroom dwelling (involving the demolition of the existing dwelling) under ref. 12371/APP/2008/1929 in January 2009.

However, the building at the site was not built in accordance with that permission and instead a materially different dwelling was constructed. An appeal against an enforcement notice issued by the Council on 16 March 2011 which required the demolition of the dwelling built or its alteration to conform to the approved scheme was subsequently dismissed.

Two further applications for modifications to the dwelling as approved were made, both of which were also refused and dismissed on appeal, in May 2011 and April 2013 respectively. The size, bulk and scale of the dwelling being the main reason in addition to lack of a tree survey and inadequate outlook from the roof space rooms which had potential for use as habitable rooms in the future.

On the most recent of these (under ref. 12371/APP/2012/619) which considered proposed alterations to the rear and front wings (including a reduction in their height and depth), removal of the apex windows in these wings and the addition of two columns to support the front first floor level cantilevered addition above the entrance, the appeal Inspector noted:

"Notwithstanding the absence of any definitive comment or objection to the crown roof, the angle of the pitch and the eaves levels of the main part of the house (of the first Inspector) .. The proposed scheme, although overcoming the particular concerns highlighted in the previous appeal decisions, would still result in a significantly larger dwelling than that formerly approved, thus adding to the visual impact of that "very imposing" structure."

In dismissing the appeal he concluded:

" There is considerable variety in the design, height and general appearance of the dwellings along Harvil Road. Even so, by reason of its significantly greater bulk and scale, the proposed dwelling would stand out very conspicuously compared to the others. Its significantly greater overall size and the extended profile of the roof would be readily apparent. This would create incongruous and unduly assertive development within this established residential area.

The adverse visual impact would be emphasised in particular by the greater height to the eaves than the neighbouring two-storey property to the south and by the bulk of the roof incorporating an extensive crown element, untypical of others in the road.

The unduly imposing visual impact of the dwelling would not be adequately mitigated by the fact that it would be set well back into the plot from the road frontage. Its greater overall size and bulk than any of the neighbouring dwellings would still be readily apparent, including in longer range views from the east, beyond intervening open Green Belt land, from the junction of Swakeleys Road with Breakspear Road."

The current proposal therefore seeks to make significant amendments to the roofs and front elevation of the house as currently built and for which the original planning permission no longer exists.

#### **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

PT1.H1 (2012) Housing Growth

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.
- 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.
  
- 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.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE3 Buildings or uses likely to cause noise annoyance - mitigation measures
- R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities
- H3 Loss and replacement of residential accommodation
- H4 Mix of housing units
- HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
- LPP 3.5 (2011) Quality and design of housing developments
- LPP 3.8 (2011) Housing Choice
- LPP 5.1 (2011) Climate Change Mitigation
- LPP 5.2 (2011) Minimising Carbon Dioxide Emissions
- LPP 5.3 (2011) Sustainable design and construction
- LPP 7.6 (2011) Architecture
- 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**

4no. neighbouring occupiers were consulted (17.12.2013) and a site notice displayed (from 30.12.2013). There has been one response and one other representation received with the following comments:

- scaffolding has been in place since September (there should be a time limit on the commencement of the work);
- garden has been an eyesore since the demolition of the original house quite a few years ago;
- TPO'd Oak tree should be carefully protected during the construction phase;
- no plans showing the second floor or basement (plans for ground floor and first floor do not show any stairs);
- loft area benefits from a new front dormer and roof lights, so appears to be habitable accommodation;

CASE OFFICER COMMENTS: The reduction in the height of the roof has ensured that the loft space would not be suitable to provide living space and would be utilised as storage. The provision of scaffolding would not be a material planning consideration. The issues with regards to landscaping and the TPO tree will be considered in the main body of the report.

Ickenham Residents' Association:

This new application now appears to try to amend things by going back to approved application 2009/1929.

From the drawings it seems that the owner is following the original approved outlines, even removing the bay windows plus making a few minor changes to the side elevations.

The latest proposal is going back to a lowered hipped roof instead of the refused gable end one.

It remains to be seen how many changes to these latest proposal will be submitted.

We are completely in the hands of your Planning/Enforcement Team with their greater expertise and facilities and look forward to receiving your valued updates in this matter.

### **Internal Consultees**

Trees/Landscape Officer:

Acceptable, subject to the amendment of the plans and conditions RES9 (implementation) and RES10. This site is covered by TPO 620 and there is a large, mature, protected Oak in the rear garden. The proposed protection for this tree is adequate.

With regards to the new tree in the front garden, there should be two new trees (as was previously agreed and as is shown on drawing 2013/732/PO1). The plans should be amended to show two new trees (instead of one) at the front of the site.

Highways (Traffic/Transportation) Officer:

No objection subject to plans being amended or a condition imposed requiring details of the cross over to be submitted (the proposed cross over is shown without any splays on its approaches to the edge of carriageway).

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The current application proposal in effect seeks alterations to a new four bedroom dwelling that has been built not in accordance with its planning permission. Nonetheless, the previous appeal decisions and 2009 grant of planning permission for a six bedroom

dwelling are material considerations. However, in the absence of any existing lawful development or extant planning permission for a dwelling on the site, it is appropriate to consider the proposed development from first principles.

The 2009 consent establishes that the use of the land for a residential extension would be acceptable in principle.

#### **7.02 Density of the proposed development**

Not applicable to this application.

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

Not applicable to this application.

#### **7.04 Airport safeguarding**

Not applicable to this application.

#### **7.05 Impact on the green belt**

Not applicable to this application.

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

In the approved application (under ref. 12371/APP/2008/1929 in January 2009), the overall width of the proposed house was reduced by 2.25 metres (to 12.75m) and was considered sufficient to maintain space between the proposed development and adjoining properties. The house currently built on the site is the same width and maintains a set back from the road frontage of 16 metres, sufficient to ensure that the proposal would not intrude into the existing street scene or be materially out of character with the set back of other properties in the road.

The approved dwelling was only 900mm higher (at 8.4 metres) than the existing property to be demolished and compared to 6.5 metres height of No. 13 Harvil Road, a chalet bungalow (whilst No. 11 Harvil Road is 8.0 metres tall). The house currently built on the site and as now proposed to be altered would have a ridge height of 8.55 metres. Given the gaps between the properties, this height difference is not considered to appear overdominant in relation to adjoining properties or thus be detrimental to the visual amenities of the street scene and the surrounding area in terms of its overall size and bulk.

The proposed changes to the appearance of the dwelling and the design, especially the reduction of the pitch of the roof, the reduction in the size of the crown roof and the reduction and conversion of the front and rear gable ends to hipped roofs are considered to have sufficiently amended the overall appearance of the dwelling to ensure it has an acceptable impact on the visual amenities of the surrounding area.

It is noted that the applicant has submitted details of proposed gates, while there is no objection to the principle of having gates within the site frontage the details which have been provided are considered inappropriate and would be detrimental to the character of the street. Accordingly, a condition is proposed to ensure that no gates are installed unless alternative details are submitted to and approved by the Local Planning Authority.

As such, the proposal is considered to comply with Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

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

The proposed alterations to the angle, height and form of the roof and to the front elevation of the dwelling under construction, which occupies the same position and footprint of the approved dwelling (under ref. 12371/APP/2008/1929 in January 2009)

would have no significant impact on the amenities of the neighbouring occupiers. The proposed development would not breach the 45 degree guideline from any neighbouring occupier and no significant loss of light, loss of outlook or sense of dominance would occur.

The outlook from the amended dwelling would be the same outlook as approved in the 2009 consent. The level of overlooking of neighbouring dwelling gardens would be within an acceptable parameter. As such, the proposal is considered to comply with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and with the Council's Supplementary Planning Document HDAS: Residential Layouts.

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

Annex 4 of the Mayors Housing SPG provides minimum floor space standards for all new dwellings, It requires a 4 bedroom (8 person occupancy) dwelling to be provided with 127 square metres of the floor space. The proposed development would provide approximately 250 square metres of internal floor area in accordance with Policy 3.5 of the London Plan (November 2012).

HDAS Residential Layouts requires the provision of a minimum of 100 square metres of external amenity space for a 4 bedroom dwelling. The current proposal would provide in excess of 500 square metres of external amenity space, in compliance with Policy BE23 of the Hillingdon Local Plan (November 2012).

It is considered that all the proposed habitable rooms, and those altered by the development, would have an adequate outlook and source of natural light, therefore complying with Policy BE20 of the Hillingdon Local Plan (November 2012) and Policy 3.5 the London Plan (2011).

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

The proposed development would provide two off-street parking spaces for use by the future occupiers. The Highways Officer raised an objection to the proposed new crossover dimensions and visibility splays, an amended plan has been received to show the crossover to the Council standards and acceptable visibility space. As such, the proposal is considered to comply with Policies AM7 & AM14 of the Hillingdon Local Plan (November 2012).

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

The design of the existing dwelling, as proposed to be altered by this application, has been considered elsewhere in this report by reference to the previous decisions and appeals (under Relevant Planning History) and in the Impact on Character and Appearance of Area.

#### **7.12 Disabled access**

The existing layout of the building fails to provide sufficient detail as to the provision of lifetime homes standards. However, as this relates to the interior of the building, this could be controlled by a suitable condition requiring the submission of details to show compliance with the Lifetime Homes Standards. With this condition attached, the proposal is considered to comply with Policy 3.8 of the London Plan (November 2012).

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

Not applicable to this application.

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

The site lies within the area covered by TPO No 620 and there is a protected Oak, T4, in the rear garden. The applicant has demonstrated that this tree would continue to be

unaffected by the development, which is already under construction.

Nonetheless, the details submitted with regard to the ongoing protection of this tree and the soft and hard landscaping and planting proposals that accompany this application are acceptable to the Council's Trees and Landscape Officer. This is subject to amended plan(s) for the front garden showing two trees at the road frontage as previously agreed under the 2009 consent.

The proposal is therefore considered to comply with the objectives of Policy BE38 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2102).

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

The applicant has shown the location of bin stores to the side of the dwellinghouse which as suitably located to protect the visual amenities of the surrounding area and allow for presentation of the bins to the kerbside on delivery day.

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

The 2009 consent came with a pre-commencement condition for a scheme to be provided to show how 10% of the site energy needs would be met from a renewable source. This condition was never discharged, whilst policy has now evolved and a requirement to meet Lifetime Homes Standards, this might not be possible given the largely constructed dwelling. Therefore, it is considered appropriate for an amended renewable energy condition to be attached any approval to ensure the scheme goes some way to complying with Policies 5.1, 5.2 & 5.3 of the London Plan (July 2011).

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

The application has provided no details as to any sustainable urban drainage systems which have been implemented at the site. Therefore, to ensure compliance with Part 1 Policy BE1 and Part 2 Policy OE8 of the Hillingdon Local Plan (November 2012), a condition would be added to any approval requiring details of these measures.

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

Not applicable to this application.

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

There are no floor plans submitted for the loft space of the existing four bedroom dwelling to be altered. However, whilst the previously approved dwelling (under ref. 12371/APP/2008/1929 in January 2009) on this site incorporated a front dormer window to a landing with two side facing rooflights, one to the sixth bedroom and one to a games room in the roof space (at second floor level), the existing roof openings serve only to provide daylight to an extensive storage area.

Should the future occupants of the dwelling wish to convert the is space into habitable living accommodation, for instance as a bedroom(s), study or games room (etc.), a suitably worded condition can be imposed to require details of any additional roof or dormer window openings that would need to be inserted.

#### **7.20 Planning Obligations**

The 2009 consent did not seek a contribution towards educational facilities, so the applicant is not required to enter into a legal agreement with regards to this.

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

Enforcement action has been taken on this property in 2011 when the existing building was under construction without planning permission as it was not in accordance with the approved scheme under ref. 12371/APP/2008/1929 in January 2009. That action has since resulted in two more applications and appeals prior to the current application.



## **7.22 Other Issues**

No further issues for consideration.

## **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**

None received

**10. CONCLUSION**

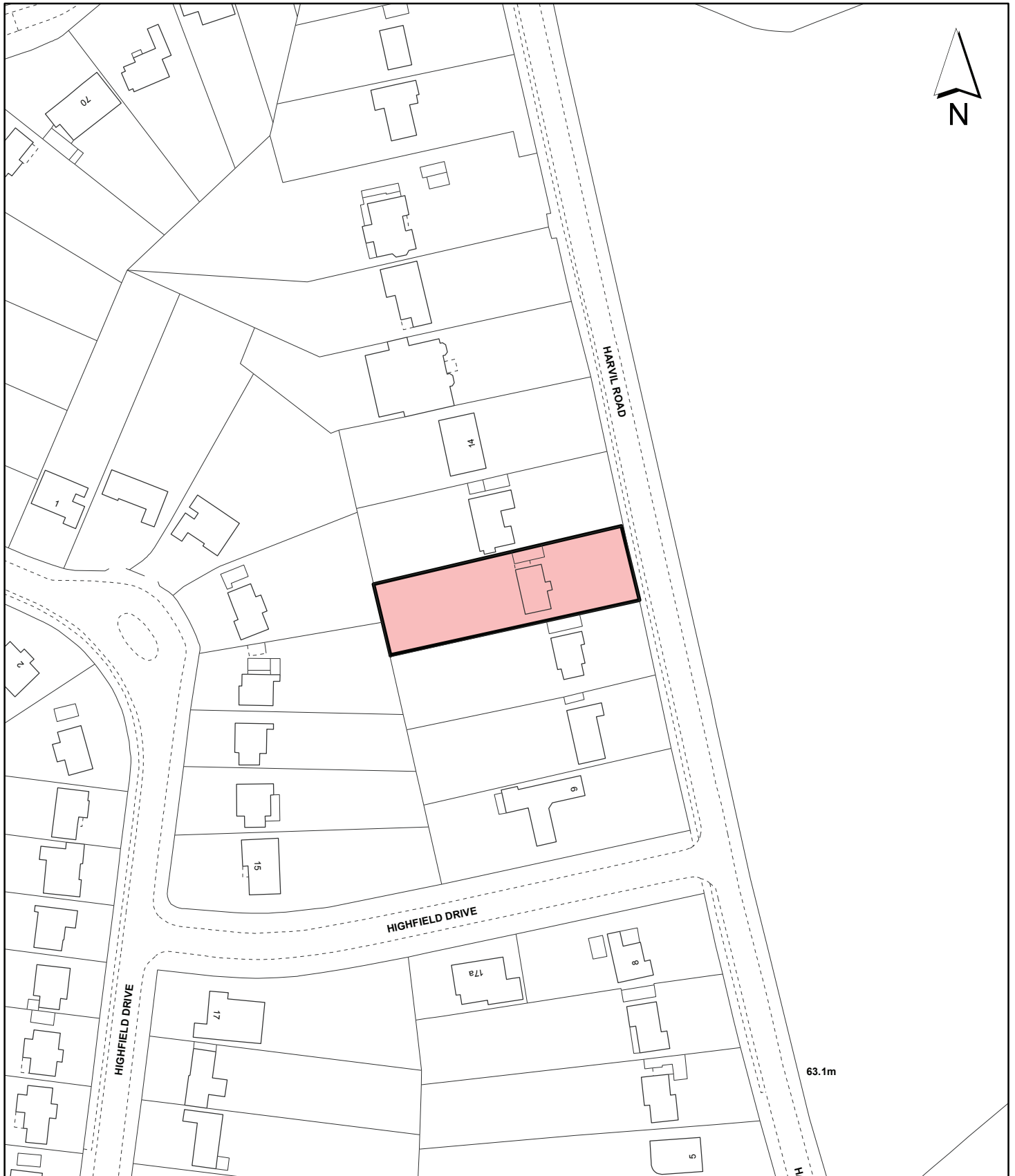
The proposed amendments to the dwelling, would in terms of its size, scale, design and appearance, have an acceptable impact on the street scene and upon adjoining occupiers and approval is therefore recommended.



**11. Reference Documents**

Hillingdon Local Plan (November 2012);  
The London Plan (July 2011);  
National Planning Policy Framework;  
Hillingdon Supplementary Planning Document: Planning Obligations (July 2008) and Revised Chapter 4 (September 2010)  
Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006)  
Hillingdon Design and Accessibility Statement: Accessible Hillingdon (May 2013)  
GLA's Supplementary Planning Guidance - Housing;

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<p><b>Notes</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</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 style="text-align: center;"><b>12 Harvil Road Ickenham</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b></p> <p><b>Residents Services</b></p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p style="text-align: center;"><b>12371/APP/2013/3554</b></p>	<p>Scale</p> <p style="text-align: center;"><b>1:1,250</b></p>	
	<p>Planning Committee</p> <p style="text-align: center;"><b>North Application</b></p>	<p>Date</p> <p style="text-align: center;"><b>March 2014</b></p>	