

Report of the Corporate Director of Planning & Community Services

Address 23 LIME GROVE RUISLIP

Development: Two storey four-bedroom dwelling with habitable basement level and single storey detached garage to rear, involving demolition of existing dwelling and garage.

LBH Ref Nos: 4065/APP/2009/1639

Drawing Nos: Design and Access Statement
Block Plan at Scale 1:500
Location Plan at Scale 1:1250
203
201 Rev. A
202R1 Rev A
Heat Pump Manufacturers Specifications
Letter dated 7th August 2009

Date Plans Received:	27/07/2009	Date(s) of Amendment(s):	27/07/2009
Date Application Valid:	27/07/2009		11/08/2009
			06/10/2009

1. SUMMARY

This application seeks permission to erect a four-bedroom house with basement accommodation and detached garage to replace, on the same footprint, an existing three-bedroom bungalow and detached garage. The current application is similar to a previously refused scheme which was refused on the grounds that the house, due to its bulk, scale, height and design, would be unduly prominent and intrusive on this corner plot and the proposal would fail to maintain a 1m gap for the full height of the proposed development between this and the side boundary with the adjoining bungalow, No. 21 Lime Grove. An appeal was subsequently lodged and dismissed. However, the Inspector considered that the scale and bulk of the proposal was acceptable for the site as was the separation with the adjoining property. It was only the proposal's bland design, which when combined with its greater height, would not compliment the character of the area.

This scheme differs from the previous scheme in that the ground floor would now be finished in brickwork as opposed to being fully rendered and the first floor of the house has been set in by 1m from its ground floor on the side boundary with No.21 Lime Grove, linked by a mono-pitched roof that wraps around part of the front elevation. The 1m set in reduces the bulk of the house and gives the house better proportions and the mono-pitched roof adds greater visual interest. The differing finish also helps to break up its appearance, particularly on the side elevation. It is considered that the amended scheme overcomes the Inspector's only reason for dismissing the previous appeal and the application is therefore recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 **Time Limit - full planning application 3 years**

The development hereby permitted shall be begun before the expiration of three years

from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 M1 Details/Samples to be Submitted

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

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 OM2 Levels

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

REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 RPD1 No Additional Windows or Doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing No. 21 Lime Grove

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

6 RPD2 Obscured Glazing and Non-Opening Windows (a)

The first floor rear bathroom window facing No.1 Myrtle Avenue 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 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7 RPD4 Prevention of Balconies/Roof Gardens

The roof area of the single storey element of the proposal hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the granting of further specific permission from the Local Planning Authority.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

8 RPD5 Restrictions on Erection of Extensions and Outbuildings

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension to the dwellinghouse nor any garage(s), shed(s) or other outbuilding(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

REASON

So that the Local Planning Authority can ensure that any such development would not result in a significant loss of residential amenity in accordance with policy BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

9 H7 Parking Arrangements (Residential)

The parking areas (including where appropriate, the marking out of parking spaces) including any garages and car ports shown on the approved plans, shall be constructed, designated and allocated for the sole use of the occupants prior to the occupation of the development and thereafter be permanently retained and used for no other purpose.

REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

10 H11A Visibility Splays

Unobstructed sight lines above a height of 1 metre shall be maintained where possible on both sides of the entrance to the site, for a distance of at least 2.4m in both directions along the back edge of the footway or verge.

REASON

To ensure that pedestrian and vehicular safety is not prejudiced, in accordance with Policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

11 SUS4 Code for Sustainable Homes details (only where proposed as

Development shall take place until an initial design stage assessment by an accredited assessor for the Code for Sustainable Homes and an accompanying interim certificate stating that each dwelling has been designed to achieve [state level] of the Code has been submitted to, and approved in writing, by the local planning authority. No dwelling shall be occupied until it has been issued with a final Code certificate of compliance.

REASON

To ensure that the objectives of sustainable development identified in policies 4A.1 and 4A.3 of the London Plan (February 2008).

12 OM19 Construction Management Plan

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) The phasing of development works
- (ii) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
- (iv) Measures to prevent mud and dirt tracking onto adjoining roads (including wheel washing facilities).
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vii) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process

REASON

To safeguard the amenity of surrounding areas in accordance with Policy OE1 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

13 NONSC Non Standard Condition

The dwelling hereby permitted shall be built in accordance with Lifetime Homes Standards, as set out in the Council's Supplementary Planning Document Hillingdon Design and Accessibility Statement: Accessible Hillingdon. No development shall take place until plans and/or details to demonstrate compliance with the standards have been submitted to an approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (February 2008) Policies 3A.5, 3A.13, 3A.17 and 4B.5.

14 RPD9 Enlargement to Houses - Roof Additions/Alterations

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no addition to or enlargement of the roof of the dwellinghouse shall be constructed without the prior written consent of the Local Planning Authority.

REASON

To preserve the character and appearance of the development and protect the visual

amenity of the area and to ensure that any additions to the roof are in accordance with policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007)

15 SUS5 Sustainable Urban Drainage

No development shall take place on site until details of the incorporation of sustainable urban drainage have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed on site and thereafter permanently retained and maintained.

REASON

To ensure that surface water run off is handled as close to its source as possible in compliance with policy 4A.14 of the London Plan (February 2008) /if appropriate/ and to ensure the development does not increase the risk of flooding contrary to Policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), policies 4A.12 and 4A.13 of the London Plan (February 2008) and PPS25.

16 TL5 Landscaping Scheme - (full apps where details are reserved)

No development shall take place until a landscape scheme providing full details of hard and soft landscaping works has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The scheme shall include: -

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

The scheme shall also include details of the following: -

- Proposed finishing levels or contours,
- Means of enclosure,
- Car parking layouts,
- Other vehicle and pedestrian access and circulation areas,
- Hard surfacing materials proposed,
- Minor artefacts and structures (such as play equipment, furniture, refuse storage, signs, or lighting),
- Existing and proposed functional services above and below ground (e.g. drainage, power cables or communications equipment, indicating lines, manholes or associated structures),
- Retained historic landscape features and proposals for their restoration where relevant.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

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) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance

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.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Residential Layouts Accessible Hillingdon
LPP	London Plan (February 2008)
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

3 I1 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

4 I2 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.

5 I3 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 I5 **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.

7 I6 **Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

8 I13 **Asbestos Removal**

Demolition and removal of any material containing asbestos must be carried out in accordance with guidance from the Health and Safety Executive and the Council's Environmental Services. For advice and information contact: - Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 277401) or the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (Tel. 020 7556 2100).

9 I15 **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 should only be carried out between the hours of 08.00 hours 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 and Public Holidays.
- B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.
- C) The elimination of the release of dust or odours that could create a public health nuisance.
- D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) 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.

10 I45 **Discharge of Conditions**

Your attention is drawn to conditions 2, 4, 11, 12, 13, 15 and 16 which must be discharged prior to the commencement of works. You will be in breach of planning control should you commence these works prior to the discharge of this/these condition(s). The Council may consider taking enforcement action to rectify the breach of this condition(s). For further information and advice contact - Planning & Community Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250230).

11 I46 **Renewable Resources**

To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO₂) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.

12 I47 **Damage to Verge**

You are advised that 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 comprises a bungalow with an additional habitable room in the roof space on the west side of Lime Grove. The property is situated on a corner plot with Myrtle Avenue on the flank boundary. The main entrance door to the property faces Myrtle Avenue and there are vehicular access points on both Lime Grove, serving an area of hardstanding on the frontage and Myrtle Avenue which leads to a garage at the end of the rear garden. The area is characterised by a mixed design of single and two storey dwellings, with the application site being one of a group of bungalows on this part of the street. The site is within the 'developed area' as identified in the Adopted Hillingdon Unitary Development Plan (UDP) (Saved Polices, September 2007).

3.2 Proposed Scheme

Planning permission is sought for the erection of a 2 storey four-bedroom house with basement accommodation, and a detached single garage to the rear of the site, involving the demolition of the existing bungalow and garage. The house would have the same footprint as the existing bungalow, but would now include a habitable basement and first floor. It would have a similar hipped roof, 5.3m high to eaves level, 7.8m high to the ridge, with projecting hipped roof elements at the front and rear. The side elevation, adjoining No.21 Lime Grove, would be stepped in by 1m at first floor level, covered with a mono-pitched roof that wraps around across the recessed part of the front elevation of the house.

The house would be 9.7m wide on the ground floor, and 8.7m wide on the first floor fronting Lime Grove, with a first floor depth of 10.7m fronting Myrtle Avenue, reducing to 7.6m deep adjoining No.21 Lime Grove. A 2.55m deep single storey rear element as measured from the projecting rear elevation is also proposed, to be finished with a dummy hipped roof which would also link with the mono-pitch roof on the side elevation. The house would be finished with brick on the ground floor and render on the first floor.

A detached garage would be constructed to the rear of the site, which would replace the existing garage and would be in a similar position. The garage would be 4.2m wide by 6m deep, and would be finished with a flat roof with dummy pitches to side and rear (facing the application site and Myrtle Avenue).

3.3 Relevant Planning History

Comment on Relevant Planning History

A similar application (4065/APP/2008/2160) was previously refused permission on 14th October 2008 for the following reasons:

1. The proposed development by reason of its overall bulk, height, siting and design, would result in an unduly prominent and intrusive form of development on this prominent corner plot. The proposal is considered to be out of keeping with the surrounding pattern of development, detrimental to the visual amenities of the street scene and character and appearance of the area, contrary to Policies BE13 and BE19 of the Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and to Sections 4.0 and 5.0 of the Council's HDAS Supplementary Planning Document: 'Residential Layouts'.

2. The proposal, by reason of its overall size, design and proximity to the side boundary, would fail to retain a minimum 1m gap for the full height of the proposed development between this and the side boundary of the neighbouring property, No. 21 Lime Grove, giving rise to a cramped form of development, which would be detrimental to the visual amenities of the street scene and character and appearance of the area. The proposal is therefore contrary to Policies BE13, BE19 and BE22 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2008) and Sections 4.0 and 5.0 of the Council's HDAS Supplementary Planning Document: 'Residential Layouts'.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.

Part 2 Policies:

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.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
AM7	Consideration of traffic generated by proposed developments.
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HDAS	Residential Layouts Accessible Hillingdon
LPP	London Plan (February 2008)
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BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Original Plans

13 neighbouring properties consulted. Five responses (two from same objector) received, making the following comments:

- (i) A four bedroom dwelling with a habitable basement would ruin character of Lime Grove. At present this corner property is in row of 10 bungalows/chalet bungalows from Acacia Avenue along Lime Grove. Being approximately midway in the line of bungalows, the proposal would be out of keeping with neighbouring property on opposite corner, No.2 Myrtle Avenue, a bungalow;
- (ii) Loss of light to No.21 Lime Grove and property opposite;
- (iii) Basement could destroy neighbouring foundations;
- (iv) Basement, with tons of clay having to be removed, would cause water level and drainage problems;
- (v) The same application was previously refused at appeal;
- (vi) Two fir trees at No.23 Lime Grove currently block light to No.1 Myrtle Avenue. Proposal will exacerbate problem;
- (vii) Noise generation has been a problem with this property in the past with late night parties involving Council intervention and large recreational basement area will increase noise problems in future. If possible, this should be sound proofed;
- (viii) Construction times should be restricted;
- (ix) The proposal should not allow an outsized satellite dish/antennae to be re-sited higher on building so as to be even more prominent/unsightly;
- (x) No tree survey submitted and not sure if two fir trees at rear of property will remain;
- (xi) Two incorrect statements on application form as no consultation has taken place with neighbours and there are two very high fir trees on the boundary with the applicant's garage and No.1 Myrtle Avenue's boundary fence and surrounding properties incorrectly described;
- (xii) Garage has asbestos roof;

- (xiii) Proposal would be an eyesore;
- (xiv) It will feel very enclosed when viewed from properties on opposite side of Lime Grove.

Eastcote Residents' Association:

- (i) This application is exactly the same as 4065/APP/2008/2160 refused at appeal on 11th March 2009 and has not addressed the Inspector's concerns. The application should not be determined.
- (ii) The present bungalow has a loft conversion and therefore this is already a four bedroom property;
- (iii) The part of Lime Grove consists mainly of bungalows and a house in this prominent position would appear as out of keeping;
- (iv) The use of a slate roof would be out of keeping as the other properties have red tiled roofs;
- (v) The Design and Access Statement says solar panels will be used. These have not been shown on the drawings and will make the roof even more prominent;
- (vi) It should be noted that there will be many four and five bedroom properties available at RAF Lime Grove in the very near future;
- (vii) The application form states that there are no trees on or close to the site, but there is a row of conifer trees to the rear of the detached garage. These would need to be removed with the demolition of the garage and therefore a tree survey would be required;
- (viii) The basement area is classed as habitable accommodation, yet there is no access to natural daylight or air. Room would need permanent artificial ventilation and lighting;
- (ix) No fire escape from underground room;
- (x) Basement will impede natural water flows. A Sustainable Urban Drainage System (SUDS) should be included as part of proposal;
- (xi) Covering letter made reference to is not on the system;
- (xii) If application is approved, all permitted development rights should be removed, including loft conversions to prevent overlooking of neighbouring properties;
- (xiii) Un-neighbourly form of development.

Ward Councillor - Apart from a change to the brick work at ground floor level, this application appears identical to 4065/APP/2008/2160 which was dismissed on appeal on 14th October 2008. If this application has to be determined, could it be heard at committee.

Amended Plans

No individual responses have been received to date.

Eastcote Residents' Association

- (i) All previous comments and objections still apply.
- (ii) Amended plans do not address the Planning Inspector's over riding concern, namely the last three sentences of paragraph 7 of his decision letter. The front view visible to those travelling along Lime Grove is exactly the same as the previous designs, the difference is a tiled overhang on the side, visible from Lime Grove and at the rear of the building. This amendment does not reduce the height of this building in any way, and does not address Inspector's concerns. This application should be refused as being contrary to Policies BE13 and BE19.
- (iii) There is a petition against this development and a Ward Councillor has requested that this application is determined by committee.
- (iv) E-mails from Association should be included in officer's report.
- (v) Why was application not determined within 8 week period?
- (vi) Why have amended plans been submitted after target date?
- (vii) Has it been pointed out to applicants that one of Inspector's concerns was greater height.
- (viii) What is Hillingdon's policy on sub-terranean rooms?
- (ix) Has LPA sought advice from the Fire Safety Officer and Health and Safety Officer?

(x) Has consideration been given to amount of energy required to sustain breathable air and supply lighting? Where is the machinery going to go for air conditioning etc. as not shown on the drawings. This is not an environmentally friendly development.

Officer's response

Eastcote Residents' Association

Point (i) and (iv) are noted and point (ii) has largely been dealt with in the main report. However, officers contend that the Inspector did not have a concern as regards the height of the proposed building, clearly stating that the scale of the proposed building was not out of scale with the street scene. The only concern raised was the bland nature of the design, as a consequence of the proposed increase in height. As regards point (iii), this is noted and has been complied with - the petition was against the previous application. Points (v) and (vi) are not material to the consideration of this application. Point (vii) is not considered to be correct as explained at (ii) above. Hillingdon has no formal policy on basements - they are considered on their individual merits (Point viii). As regards, point (ix), this is a building control matter. As regards point (x), no habitable rooms are proposed in the basement that would require outlook. Paragraph 7.16 of the report addresses energy efficiency.

Internal Consultees

Environmental Protection Unit: Do not wish to recommend any conditions on this application. Informative relating to construction works should be attached.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

There is no objection in principle to the demolition of the existing bungalow which does not have any intrinsic architectural or historical interest. Furthermore, this is an established residential area and therefore there is no objection in principle to its replacement with a house, providing the development is compatible with the character and appearance of the surrounding area and satisfies other plan policies.

7.02 Density of the proposed development

This development is for a replacement dwelling on the same footprint to the existing bungalow. Given this, and the Inspector's previous consideration of a similar proposal, residential density is not an important material consideration in this instance.

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

N/A to this application.

7.04 Airport safeguarding

N/A to this application.

7.05 Impact on the green belt

N/A to this application.

7.06 Environmental Impact

N/A to this application.

7.07 Impact on the character & appearance of the area

The proposal does not involve any light wells to serve the basement and therefore, this element of the scheme would not be discernible from surrounding streets.

A previous application for a similar development (4065/APP/2008/2160) was refused on the grounds that the house, due to its bulk, height, siting and design, would be unduly prominent and intrusive on this corner plot and the proposal would fail to maintain a 1m gap for the full height of the proposed development between this and the side boundary with the adjoining bungalow, No.21 Lime Grove. An appeal was subsequently lodged and dismissed in March 2009. The Inspector's reasoning is contained in paragraphs 6 to 8. At paragraph 6, the Inspector states:

'6. The appeal proposal would alter the site from a diminutive bungalow, lower than 2 Myrtle Avenue on the opposite corner, to a house which would be somewhat taller and larger in scale than its immediate neighbour, but lower and of a similar overall scale to the pair of dwellings adjacent to the site in Myrtle Avenue. I do not find its greater height than No 2 Myrtle Avenue to be a significant failing. The scale of the proposed building would be such that it strengthened the use of the corner site, and I do not find that the proposed building would be out of scale with the street scene.'

Paragraph 7 continues:

'7. The proposed building would stand close to the boundary of its neighbour. I agree with the Council that the increased height makes the relationship to the neighbouring dwelling more crucial. There is dispute as to whether the separation of 1m required by Policy BE22 of the UDP would be met. The plans show this separation not being met; my observations on site showed that there was a reasonable separation between buildings, and that this was more satisfactory because the nearest part of the neighbouring dwelling was its single storey garage. However, whilst the scale of the proposed building would be reasonable for the site, the bland nature of the design combined with its greater height than its neighbour would not compliment the character of the area. It would give the building a bulky appearance where most dwellings show some distinctive design features, which tend to reduce their bulk. This I find to be particularly the case in the corner elevation, where both side and front would be prominent in the view for those travelling northwards along Lime Grove.'

Paragraph 8 concludes:

'8. For this reason alone, I find the proposal to conflict with policies BE13 and BE19, to an unacceptable degree.'

This application, as originally submitted, only changed the ground floor finish to brickwork. Amended plans have now been received which also set in the first floor of the house on the side boundary with No.21 Lime Grove by 1m, linked with a mono-pitched roof that wraps around part of the front elevation of the house.

The 1m set in does significantly reduce the bulk of the building on the Lime Grove frontage and also improves the separation distance between this and the adjoining property, No.21 Lime Grove, although the Inspector did not consider this to be a justification for refusing the previous application. Furthermore, the 1m set in helps to break up the somewhat 'blocky' appearance of the house and the mono-pitched roof, which would only extend across part of the front elevation of the house and would not project beyond the projecting hipped roof element, adds further visual interest. The ground floor brick work also helps to break up and alleviate the bland appearance of the side elevation.

The detached garage at the end of the rear garden would be set back from the building line

of properties in Myrtle Avenue and is of an appropriate scale and design.

It is considered that these alterations are sufficient to overcome the Inspector's concerns on the previous application. The scheme is now considered to comply with policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.08 Impact on neighbours

The proposed house, given its siting on the south side of a corner plot, would not result in the loss of sunlight to neighbouring properties. It would also be sited over 15m from the front elevations of properties on the opposite sides of Lime Grove and Myrtle Avenue so that it would not appear unduly dominant from these properties. As regards No.21 Lime Grove, the first floor would not project beyond its rear elevation and a 45° line of sight would not be breached. The ground floor would be mainly screened by the detached garage in the rear garden of No.21 and a side canopy at this property.

In terms of privacy, the SPD: 'Residential Layouts' advises that adequate distance should be maintained to any area from which overlooking may occur and as a guide, this distance should not be less than 21m between habitable rooms and private amenity areas. The proposal would not result in any greater overlooking of the frontages of the properties on the opposite sides of Lime Grove and Myrtle Avenue than the existing situation. A proposed first floor rear bedroom window would be sited approximately 20m from the side elevation of No.1 Myrtle Avenue, but there are no main habitable room windows in this side elevation. Furthermore, the ground floor windows at this property are effectively screened by a side car port with a polycarbonate roof attached to this property and there are conifer trees on the boundary that effectively screen the first floor and a detached garage in the rear garden of No.1 would effectively screen its rear garden. Even if the trees were to be removed, the only first floor window that serves a habitable room is a secondary bedroom window, but this is sited towards the front of the side elevation, where it is already exposed to the street. Therefore, the marginal shortfall of the 21m distance is not considered to present a significant reduction in privacy as to justify a refusal of permission.

The garage, given its siting, would not be detrimental to the amenities of adjoining properties.

As such, it is considered that the application complies with policies BE20, BE21 and BE24 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.09 Living conditions for future occupiers

The SPD: 'Residential Layouts' states that two storey houses should have a minimum internal floor space of 92m², increasing to 103m² for a three storey house. This proposal, including the basement, would have a floor area of 258m². Furthermore, each habitable room should have an outlook and source of natural light. Ground and first floor rooms comply with this advice and as the basement would only be used as a gymnasium, w.c. and storage, the proposal is considered to be acceptable.

The SPD also, at paragraph 4.15, advises that a four bedroom property should have a garden area of at least 100m². The proposal shows a rear usable garden area of 93.2m². A further 12.7m² would be provided as a patio area under the roof of the projecting ground floor. As such, the proposal would afford an acceptable amount of amenity space in compliance with Policy BE23 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposed plans indicate that there would be sufficient space for at least two off-street car parking spaces to be provided once the dwelling is erected and the scheme would not alter existing access arrangements on site. A condition has been added to ensure that adequate visibility would be maintained at the crossovers for emerging vehicles. As such, the scheme complies with policies AM7 and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and adopted car parking standards.

7.11 Urban design, access and security

See Section 7.07

7.12 Disabled access

HDAS was adopted on the 20th December 2005 and requires all new residential units to be built to Lifetime Home standards.

The floor plans indicate that the scheme could satisfy these standards and a condition to ensure that this occurs is attached.

7.13 Provision of affordable & special needs housing

N/A to this application.

7.14 Trees, Landscaping and Ecology

Although there are two conifer trees at the end of the rear garden that may have to be removed in order to accommodate the garage, these trees have been cut back and are of limited amenity value. Given this no objections would be raised to their removal. A landscaping scheme, which could include replacement tree planting, has been conditioned.

As such, the scheme complies with policy BE38 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.15 Sustainable waste management

N/A to this application.

7.16 Renewable energy / Sustainability

A condition requiring an initial design stage assessment by an accredited assessor for the Code for Sustainable Homes and an accompanying interim certificate stating that the dwelling has been designed to achieve level 3 of the Code has been attached.

7.17 Flooding or Drainage Issues

There are no flooding issues associated with this application.

7.18 Noise or Air Quality Issues

N/A to this application.

7.19 Comments on Public Consultations

Points (i), (ii), (v), (vi), (viii), (x), (xiii) and (xiv) have been dealt with in the main report. Points (iii) and (vii) are not planning matters. As regards point (iv), this would be a Building Control matter. As regards point (ix) the siting of a satellite dish often does not require planning permission and it would be difficult to justify a reason why normal permitted development rights should be removed in this instance. Point (xi) is noted. As regards point (xii), an informative relating to asbestos has been attached.

7.20 Planning Obligations

N/A to this application.

7.21 Expediency of enforcement action

There are no enforcement issues associated with this site.

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

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

It is considered that this revised application overcomes the concerns raised by the Inspector in considering a previous similar application relating to its impact upon the street scene. It is considered that the scheme would not be detrimental to the amenities of surrounding residential occupiers, provides suitable residential accommodation and would not prejudice highway safety and is thus recommended for approval.

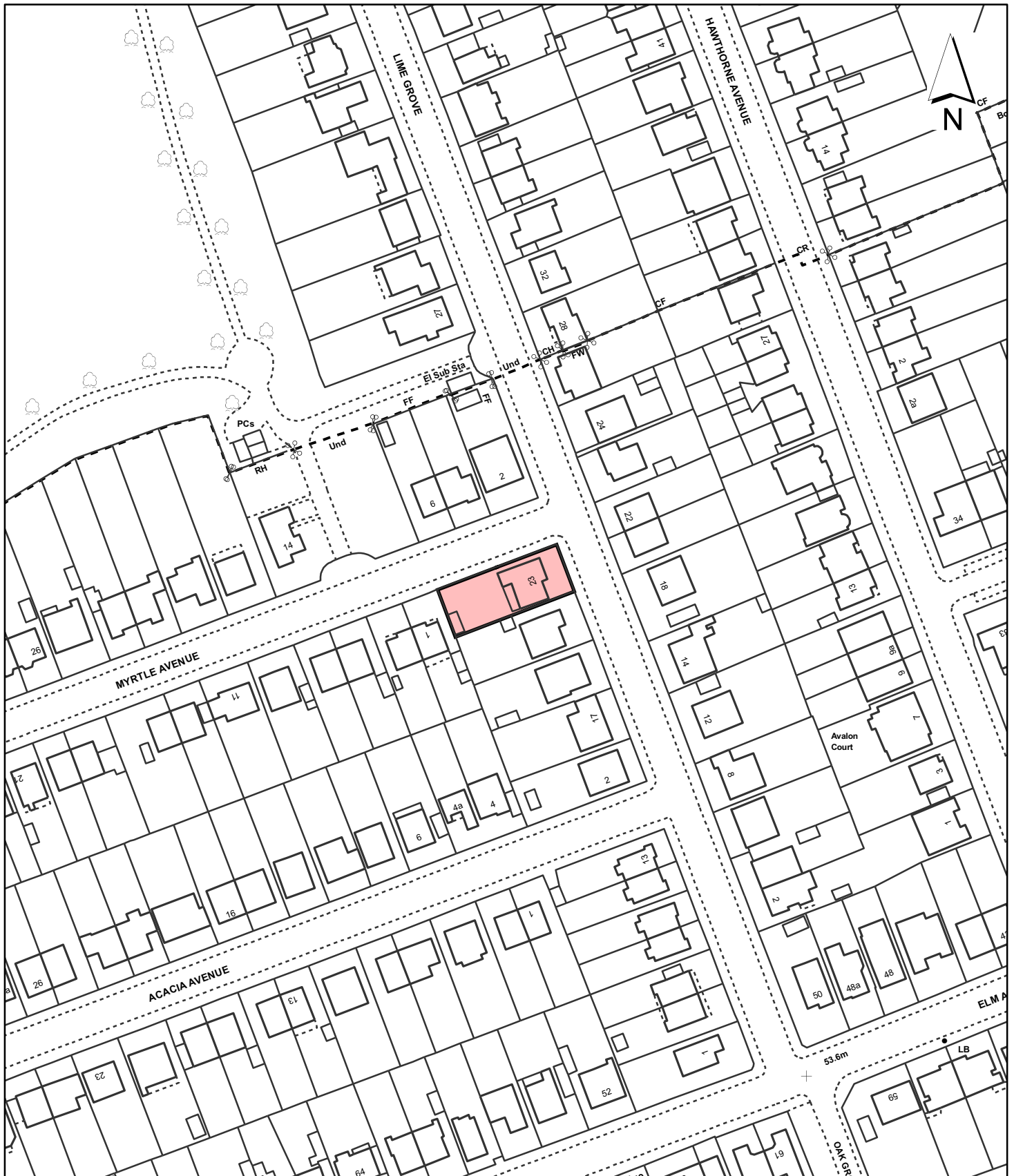
11. Reference Documents

- (a) Planning Policy Statement 1 (Delivering Sustainable Development)
- (b) Planning Policy Statement 3 (Housing)
- (c) Planning Policy Guidance Note 13 (Transport)


- (d) The London Plan
- (e) Hillingdon Unitary Development Plan Saved Policies September 2007.
- (f) Hillingdon Design and Accessibility Statement - Residential Layouts
- (g) Hillingdon Design and Accessibility Statement - Accessible Hillingdon
- (h) Supplementary Planning Guidance - Educational Facilities
- (i) Consultation Responses

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Notes

 Site boundary

For identification purposes only.

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Site Address

**23 Lime Grove
Ruislip**

Planning Application Ref:
4065/APP/2009/1639

Planning Committee

North

Scale

1:1,250

Date

October 2009

**LONDON BOROUGH
OF HILLINGDON
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