

## Report of the Corporate Director of Planning & Community Services

**Address** 76 HIGH STREET NORTHWOOD

**Development:** ERECTION OF A THREE-STOREY BUILDING COMPRISING GROUND FLOOR COMMUNITY HALL AND 6 STUDIO AND 2 ONE-BEDROOM SELF CONTAINED FLATS AT FIRST AND SECOND FLOOR LEVELS, WITH ASSOCIATED CAR PARKING (INVOLVING THE DEMOLITION OF THE EXISTING NORTHWOOD (COMMUNITY) HALL) (OUTLINE APPLICATION)

**LBH Ref Nos:** 17829/APP/2009/683

**Drawing Nos:** Location Plan (Scale 1:1250)  
Design and Access Statement  
06/3068/6 Rev. C  
06/3068/5 Rev. B  
06/3068/11 Rev. B  
06/3068/10 Rev. D  
06/3068/12 Rev. A  
06/3068/13  
Arboricultural Survey/Report

**Date Plans Received:** 02/04/2009                      **Date(s) of Amendment(s):** 22/04/2009  
**Date Application Valid:** 22/04/2009                      28/07/2009

### 1. SUMMARY

This application follows four earlier applications submitted to re-develop this site for similar purposes since 2001. The first application for 8 one bedroom flats was dismissed at appeal on design grounds, the second application also for 8 one bedroom flats was revised in the light of the appeal decision and was agreed by committee in 2003 but was not granted permission until 2007. A third application (Ref. 17829/APP/2006/3074) was also determined in 2007 for a larger scheme for 4 one bedroom and 4 two bedroom flats and was refused. A fourth application (ref: 17829/APP/2007/2861) comprising 8 one-bedroom flats was submitted in September 2009. Concern was raised by officers about this scheme which resulted in further negotiation with the applicants/agents. The application has not been withdrawn and it is also on this Committee agenda. The applicants have submitted the current application as a way of resolving the concerns raised about the fourth application. This current scheme has been assessed against the Council's current policies and design guidance.

This scheme alters the size, design, layout and nature of the previously approved and refused schemes. Notwithstanding the improvement to the overall design of the frontage, it is considered that the scheme would not respect the uniform character of this stretch of the Old Northwood Area of Special Local Character and would adversely impact upon the amenities of adjoining occupiers. The layout has been revised following comments of the Tree Officer to address his particular concerns. The concerns of the highway engineer regarding pedestrian and vehicular conflicts are considered to be a further matter of concern. As such the application is recommended for refusal.

### 2. RECOMMENDATION

**Had an appeal for non determination not been lodged, that the application would**

**have been refused for the following reasons:**

**1 NON2 Non Standard reason for refusal**

The proposed development, by reason of its size, scale, bulk, height and design would result in a development which would be out of character with the adjoining properties and the street scene in general to the detriment of the visual amenities of the Old Northwood Area of Special Local Character. It is therefore considered that the proposal would be contrary to policies BE5, BE13 and BE19 of the Hillingdon UDP Saved Policies (September 2007).

**2 NON2 Non Standard reason for refusal**

The proposed development, by reason of its overall size, height, siting and length of projection, would result in an over-dominant/visually obtrusive form of development and result in the overshadowing of and loss of light to the neighbouring property, No.78 High Street and as such would constitute an un-neighbourly form of development, resulting in a material loss of residential amenity. The proposal is therefore contrary to policies BE19, BE20 and BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

**3 NON2 Non Standard reason for refusal**

The proposed development by only providing pedestrian access to the front of the site would result in occupants to the flats having to walk from the car park through the restricted access road. This will result in pedestrian and vehicle conflicts to the detriment of highway and pedestrian safety. As such, the proposal is contrary to Policies AM7 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**INFORMATIVES**

**1 I52 Compulsory Informative (1)**

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

**2 I53 Compulsory Informative (2)**

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

BE5	New development within areas of special local character
BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.

BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE12	Energy conservation and new development
H4	Mix of housing units
H8	Change of use from non-residential to residential
H9	Provision for people with disabilities in new residential developments
R5	Proposals that involve the loss of sports, leisure, community, religious, cultural or entertainment facilities
R10	Proposals for new meeting halls and buildings for education, social, community and health services
R16	Accessibility for elderly people, people with disabilities, women and children
R17	Use of planning obligations to supplement the provision of recreation leisure and community facilities
AM7	Consideration of traffic generated by proposed developments.
AM15	Provision of reserved parking spaces for disabled persons
HDAS	Residential Layouts
SPD PO	Supplementary Planning Document: Planning Obligations
LPP 3A.3	London Plan Policy 3A.3 - Maximising the potential of sites

### **3. CONSIDERATIONS**

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

The application site is known as Northwood Hall and is located at No.76 High Street, Northwood. The property is located on the eastern side of the High Street, it is rectangular in shape with a frontage width of 15.2m, depth of 42.5m and covers an area of approximately 646m<sup>2</sup>. Northwood Hall is a former cinema that is now used as an elderly persons' centre and hall. Two Horse Chestnut trees stand in the northeast corner of the site, adjacent to the rear boundary.

The High Street climbs from the A404 Pinner Road in the south up to Northwood Way in the north. South of its junction with Emmanuel Street, development along High Street is of a uniform character, with rows of two-storey, semi-detached or terraced buildings. The pattern of land use is divided between commercial properties on the eastern side and residential properties on the western side of the street. The commercial properties often have residential flats above and are typically setback 3m from the road. A number of the pairs of buildings share a central arch, allowing vehicular access through the terrace to parking at the rear. The western side of the street is developed with residential terraces and semi-detached properties setback generally 6m from the road. Many properties have hard surfaced their front gardens to provide off-street parking.

The building form along the High Street is uniform, with the majority of buildings having pitched roofs, with similar eaves and ridge heights. Most buildings on this side of the street have gable roofs, some with front dormers. The only notable exception to this is the three storey flat roofed building at 52 High Street. The site forms part of the Old Northwood Area

of Special Local Character.

### **3.2 Proposed Scheme**

The outline application proposes the demolition of Northwood Hall and the construction of a three-storey building with a dining club/community hall at ground floor level, and 3 studio and one-bed flats each on the first and second floors with associated parking at the rear. Only landscaping matters have been reserved.

The design of the building would present a two-storey form to the street, with the second floor incorporated within a mansard roof with front and rear facing dormers. Five dormers each would be installed on the front and rear elevations. The building would be 15.1m wide, with a maximum depth of 22.5m on the ground floor, reducing to 18.3m on the first floor. A 3.1m wide setback at the rear would reduce the depth of the building further to 16m where a further 3.1m setback would reduce the depth of the building adjoining No.78 to 12.65m on all of the floors. The ground floor of this recessed part of the building would provide an undercroft, allowing vehicular access to the rear. The building would have an average eaves height of 5.65m at the front, increasing to 7.25m at the rear and an average overall height to the top of its mansard roof of 9.25m.

Access to the club would be at the left-hand side of the building frontage, with a fire escape behind (rear of building), accessing onto the car park. The means of access to the flats would be on the other side of the building frontage via an entrance off the High Street leading to stairs serving a central stairwell and a side entrance from the vehicle access way. At the rear of the ground floor hall would be a kitchen and toilet facilities, including a disabled toilet. The flats would be accessed from the central stairwell. The one bed flats would each comprise a lounge with an open plan kitchen area, one bedroom and a bathroom/toilet.

At the rear of the building, 11 parking spaces would be provided. A bin store is to be provided at the side of the building. Although landscaping matters have been reserved, the two existing trees on site are to be removed and additional planting provided along the rear boundary.

### **3.3 Relevant Planning History**

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

Two applications, one being a duplicate, were originally submitted to redevelop this site for a similar scheme on the 06/06/01 (refs. 17829/APP/2001/1210 & 1211). That proposal was for a community hall on the ground floor with eight one-bedroom flats on the first and second floors and parking for 11 spaces at the rear, including one disabled space. The building would have had a half-hipped/mansard roof, divided in the middle, with four front and four rear dormer windows. The building would have had a maximum depth of 22.3m on the ground floor, reducing to 16m for a width of 4.2m adjoining No. 78 with the same 16m depth on the first floor and an eaves height of 7.5m and overall height of 9.8m. The hall incorporated a projecting front entrance and the flats would have had lift access.

The first of these applications was appealed for non-determination (ref. 17829/APP/2001/1210). At the Ruislip & Northwood Planning Committee on the 04/10/01, Members resolved that had an appeal for non-determination not have been received, the application would have been refused for the following reason:

1. The proposed development by reason of its cramped form of development, poor access

arrangements, its overall size, height and poor disposition of amenity space would result in an overdevelopment of the site and an unacceptable form of development not in keeping with the character of the local area. The proposal is therefore contrary to Policy BE9, BE13, BE15 and AM6 of the Borough's adopted Unitary Development Plan.

The Inspector, in the decision notice dated 21/11/01, noted that no evidence had been submitted as regards the poor access and that policies BE9, which concerns development involving Listed Buildings and BE15, which relates to extensions, had been incorrectly referred to in the committee report. The Inspector, however, did conclude that the building, due to its height and roof design, would not harmonise with the marked uniformity of the existing Victorian shopping parade. The appeal was consequently dismissed.

Subsequently, the second application was amended to reflect the Inspector's concerns (ref. 17829/APP/2006/1211). The height of the building was reduced and the design of the building revised. The half-hipped roof design on the sides of the mansard roof was replaced with vertical sides and lowered, with a reduced eaves height of 5.5m and overall height of 8.8m. The number of parking spaces was reduced to 10 with the Horse Chestnut tree in the rear shown to be retained. The projecting front entrance was also omitted. At the Ruislip & Northwood committee meeting on the 20/03/03, Members deferred the application in order to make a site visit. On being re-presented to the next meeting on the 24/04/03, Members resolved to approve the application, subject to various conditions and a S106 contribution to provide additional education space. Following a change in supplementary guidance in 2007, there is no longer a requirement to provide a S106 Contribution for one-bedroom units, the application was re-presented to Committee, and planning permission granted on 19/07/2007.

A third application (ref.: 17829/APP/2006/3074) for the erection of a three storey detached building comprising ground floor community hall and 4 one-bedroom and 4 two-bedroom self-contained flats at first and second floor levels with associated car parking involving the demolition of the existing community hall was refused planning permission in January 2007 for the following reasons:

1. The proposed development, by reason of its size, height, excessive fenestration and introduction of front balconies would present an incongruous and discordant appearance, out of keeping with the street scene and the Old Northwood Area of Special Local Character. The proposal is contrary to policies BE5, BE13 and BE19 of the adopted Unitary Development Plan.
2. The proposed development by reason of its overall size, height, siting and length of projection would result in an overdominant/visually obtrusive form of development and result in the overshadowing of and loss of light to the neighbouring property, No. 78 High Street and as such would constitute an un-neighbourly form of development, resulting in a material loss of residential amenity. The proposal is therefore contrary to policies BE19, BE20 and BE21 of the Borough's adopted Unitary Development Plan, and section 4.0 of the Council's HDAS 'Residential Layouts'.
3. The proposed residential accommodation, including two-bedroom units, fails to provide adequate usable amenity space. The proposal would therefore not afford an acceptable standard of residential amenity for future occupiers, contrary to policies BE19 and BE23 of the adopted UDP and section 4.0 of the Council's HDAS 'Residential Layouts'.
4. The proposal fails to provide adequate off-street vehicle and cycle parking in accordance

with the Council's Interim Car Parking Standards (December 2001). Inadequate provision is made for refuse storage and collection and the width of the proposed access is undersized given its intended use. As such, the proposal would be likely to give rise to additional on-street parking and would be likely to result in vehicles blocking the adjoining highway, waiting for the access to clear in order to enter the site. The proposal would therefore be detrimental to highway and pedestrian safety, contrary to policies AM7(ii) and AM14 of the adopted UDP.

5. The proposal fails to make adequate provision for the needs of the disabled, contrary to policies H9 and AM15 of the adopted Unitary Development Plan and paragraph 5.1 of the Council's HDAS 'Accessible Hillingdon'.

6. The development is likely to give rise to a significant number of children of school age that would require additional educational provisions, due to the shortfall of places in schools serving the area. Given that a legal agreement or unilateral undertaking has not been offered to address this issue, the proposal is considered to be contrary to policy R17 of the Unitary development Plan and the Council's Supplementary Planning Guidance: Educational Facilities.

#### **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:

BE5 New development within areas of special local character

BE13 New development must harmonise with the existing street scene.

BE18 Design considerations - pedestrian security and safety

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE22 Residential extensions/buildings of two or more storeys.

BE23 Requires the provision of adequate amenity space.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

OE1 Protection of the character and amenities of surrounding properties and the local area

OE12 Energy conservation and new development

H4 Mix of housing units

H8 Change of use from non-residential to residential

H9	Provision for people with disabilities in new residential developments
R5	Proposals that involve the loss of sports, leisure, community, religious, cultural or entertainment facilities
R10	Proposals for new meeting halls and buildings for education, social, community and health services
R16	Accessibility for elderly people, people with disabilities, women and children
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LPP 3A.3	London Plan Policy 3A.3 - Maximising the potential of sites

## **5. Advertisement and Site Notice**

- 5.1** Advertisement Expiry Date:- Not applicable
- 5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

63 surrounding residential occupiers consulted. 10 letters of objection and a petition with a total of 30 signatures have been received with the following comments:

- (i) The proposal would cause loss of privacy as the windows would overlook my back garden;
- (ii) It would result in loss of natural light and view of the open surroundings;
- (iii) As there are no existing 3-storey building in the street, the proposal will create a precedent;
- (iv) The proposal is too imposing;
- (v) When considered alongside the approved building at No.80 High Street (recently granted permission), intended to accommodate 5 one bed flats and 1 two-bed, the application represents another overdevelopment of a site which will result in noise and traffic pollution in a high density area;
- (vi) The proposal would not harmonise with the architectural style and design of the buildings in Old Northwood ASLC;
- (vii) The proposal will exacerbate the severe parking problem in the area;
- (viii) Vehicular access to the flats is very narrow and cars trying to go in or out will create hold-ups/blockages along the high street;
- (ix) There is not enough parking allowed to accommodate the proposed flats/visitors and community hall and the overflow will end up along the High street;

(x) By many cars having to cross over the pavement, they will provide a very real risk to pavement users, especially young children who ride their tricycle, kids bike etc or just run along; to mothers pushing prams/buggies and elderly people;

(xi) There has been no independent soil or root analysis to confirm or deny the conclusion of the arboriculturalist that the life expectancy of the Horse Chestnut tree is less than 10 years. Many trees of this ilk show signs and symptoms of stress which are not exceptional in trees of this age and in this type of situation. Were all tree showing such symptoms felled there would be few Horse Chestnuts left standing in London. Replacement of the tree should only be considered as mitigation against unavoidable effects rather than as a reason to fell a mature healthy tree in the first place. The question of improving growing condition has not been considered;

(xii) The Horse Chestnut tree has for many years provided significant contribution to the local landscape and has been an important amenity for the local residents in this built up environment;

(xiii) The bin store at the rear is too far for refuse vehicle to reach;

(xiv) The proposal would put strain on the existing drainage system;

(xv) What happened to the covenant the old trust had to preserve this building?

**NORTHWOOD RESIDENTS' ASSOCIATION:**

Hillingdon Annex 1, C3. The number of dwellings justifies 12.8 parking spaces and secure storage for 8 bicycles.

**METROPOLITAN POLICE:**

No response has been received.

**Internal Consultees**

**URBAN DESIGN/CONSERVATION OFFICER:**

**PROPOSAL:** Three storey detached building for use as community hall with flats above (outline).

**BACKGROUND:** This site lies within the Old Northwood Area of Special Local Character, this side of the High Street is characterised by late 19th century purpose built commercial terraces of two storeys, some with attic accommodation and dormer windows.

**RECOMMENDATIONS:** The frontage reflects to a large degree the proportions and detailing of the existing terraces. The rhythm of the right hand pair of windows at first floor level needs amending and further details of the shop front and fascia would be required at some stage. Ideally, the addition of a centrally located chimney would break up the roofscape. The roof should be of slate and the street elevation of red, rather than yellow bricks. The windows onto the access road require further detailing, as they are shown with mesh type coverings.

There is concern at the bulk of the rearward projection of the proposed structure in comparison with neighbouring properties and possible views over the adjacent properties when seen from lower down the street.

**CONCLUSION:** Revisions/further information required.

**HIGHWAY ENGINEER:**

Notwithstanding my previous comments regarding vehicular access and the outstanding condition



on the approved scheme, in my initial comments on this application I objected to the lack of pedestrian access to the rear parking area. The access is proposed to be 2.8m wide at its narrowest and 3.1m at its widest. I wish to maintain that the proposed layout for the access and the provision of pedestrian access to the building to the front is not adequate given that the approved scheme incorporated a lift off the access that enable pedestrians to access the building safely and did not require them to traverse the entire length of the driveway.

Manual for Street stipulates that for a single line of traffic, an aisle width of 2.05m will suffice and for pedestrians a minimum of 1.2m will suffice. Given that the width of the access is below 3.2m, the Transportation Section will maintain an objection the proposal on pedestrian safety grounds.

The Transportation Section therefore objects to the proposal given the above.

#### OFFICER'S COMMENTS:

Following the comments of the Highway Engineer, the applicants have revised the layout and internal arrangement of the proposed building in order to mitigate the concerns raised. It is considered that the current scheme satisfies the relevant highways policies of the saved UDP. This matter is further discussed in the report.

#### TREES AND LANDSCAPE OFFICER:

##### THE SITE

The tree survey confirms that the two trees situated to the rear of the site are not worthy of retention. Despite its visual contribution to the local landscape the Horse Chestnut is in poor condition (rated 'C/R') and has a limited life expectancy. In the opinion of the tree specialist it is not worthy of protection - which would require special construction measures. The second tree, T2, is rated 'R' and should be removed in the interests of sound arboricultural management. I have no reason to dispute the conclusions of the tree survey.

##### THE PROPOSAL

The proposal is an outline application to provide a three- storey detached building for use as a ground floor Community Hall with flats on the first and second floors and parking to the rear. Drawing No. 06 rev B indicates that there will be no amenity space provided within this high street location. The current layout also indicates the retention of the two trees which the tree survey condemns. An amended plan showing the trees removed - with replacement tree planting would be acceptable. A strip of soft landscaping has been retained along the rear (east) boundary which should provide adequate space for screen planting including new trees. A thin strip of planting is shown next to car bay No. 11 - which is not feasible. It is too narrow a space to support planting and is not compatible given the proximity of the parking bay.

##### RECOMMENDATION

If the layout plan is amended to reflect the above comments - and space is provided for new/replacement tree planting, the scheme could satisfy saved policy BE38

##### WASTE DEVELOPMENT and MANAGEMENT:

The application is complicated due to the fact that part of it is for a commercial development. As such the business(es) that occupies these premises ultimately has/have discretion over the waste management methods they intend to use. However, as a minimum planning approval should require room to locate recycling facilities for all grades of paper and cardboard, cans, plastic bottles, and also glass bottles and jars. In addition prior to approval the Authority must be satisfied that the design of the waste management provision will ensure the segregation of commercial wastes from domestic.

For the residential side whilst the plans provided do seem to indicate a bin store and bin provision it is unclear as to the number and type of bins available for both the domestic and commercial parts of this development. In addition in lieu of information to the contrary the access and egress from the bin store location is ambiguous at best.

For 8 flats the developer needs to provide 1100 litre refuse and recycling bins on a ratio of 1:10 + 1 per waste stream as a minimum. For 8 units this would be 2 bins for refuse and 2 for recycling dedicated solely to serve the flats. The commercial element of the application would need its own provision.

#### ACCESS OFFICER:

The proposed one-bedroom flats appear to meet most of the standards for Lifetime Homes (the drawings and DAS confirm this).

However, the proposed entrance door and lobby arrangements would not meet the standards required by Part M of the Building Regulations. In particular, there should be 1570mm clear of the door swing - the drawings currently show this dimension as 800mm only. To resolve this, either the exterior or interior door to the lobby should be an automatic sliding door.

Conclusion: Acceptable, provided the advice given in point 2 is met.

#### ENVIRONMENTAL PROTECTION UNIT (EPU):

No objection to this proposal, however should planning permission be granted please ensure the following conditions are applied.

#### Community Hall

##### Condition 1

H1. The non-residential use hereby approved shall not be used outside the hours of 09:00 hrs and 20:00 hrs Monday to Saturday and the hours of 10:00 hrs and 20:00 hrs on Sundays or Bank Holidays.

REASON: To safeguard the amenity of surrounding areas. To protect the amenity of residential dwellings I recommend the following condition covering vehicle movements serving the proposed non-residential use;

##### Condition 2

Deliveries and collection, including waste collections, shall be restricted to the following hours:

0700 hrs to 1800 hrs Monday to Saturday and not at all on Sundays and Bank/Public Holidays.

REASON: To protect the amenity of the surrounding area.

##### Condition 3

The development shall not begin until a sound insulation scheme that specifies the provisions to be made for the control of noise transmission from the non-residential use hereby approved to adjoining dwellings, has been submitted to, and approved by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved by the LPA. The scheme shall be fully implemented before the development is occupied/use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON: To protect the amenity of the surrounding area.

#### Condition 4

N12. No air handling units shall be used on the premises until a scheme, which specifies the provisions to be made for the control of noise and odour emanating from the site or to other parts of the building, has been submitted to, and approved by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. The said scheme shall include such secure provision as will ensure that the said scheme and all of it endures for use and that any and all constituent parts are repaired and maintained and replaced in whole or in part so often as occasion may require.

REASON: To safeguard the amenity of surrounding areas.

## **7. MAIN PLANNING ISSUES**

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

It should be noted that although a scheme consisting of 8 one-bed flats was approved in July 2007, even though the initial application was submitted in 2001, the assessment of that application was based on the extant policies and design guidance notes at that time. Since 2001, the London Plan has been a material consideration for all planning applications. Also, the residential layout design guide at that time has been replaced by the SPD HDAS: Residential Layouts July 2006, which is a material consideration to the current scheme. However, the principle of a community use on the ground floor with residential above has been accepted previously and the changes in the policies and standards since that approval would not mean that this principle would now be unacceptable.

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

This proposal is for a mixed use scheme involving dining club/community hall at ground floor level and flats above. Thus, to only consider the residential density of the development would not be appropriate or provide a useful indication of the acceptability or not of the proposal. Therefore, it is considered that matters pertaining to the design, bulk and scale of the development and its impact on adjoining properties are more relevant.

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

One of the main issues to emerge from the appeal against the deemed refusal of the original application was building height. The appealed application essentially proposed a 3 storey building with the second floor only partially contained within the roof with the top of its second floor windows being contained within half dormers. Consequently, a building of this height would have stood considerably higher than the adjoining two storey structures.

The amended scheme reduced the overall height of the building by concealing the second floor totally within the roof space so that the eaves height of the proposed building matched that at No.74 and the top of the mansard roof reflected the ridge height of adjoining properties. The top of the roof would have been approximately 0.4m above the ridge height of no.74 and approximately 0.4m below the ridge height of no.78 but this would have been consistent with the stepped nature of the street scene along this part of the High Street.

The current scheme raises the eaves height by approximately 0.65m as compared to No.74 and the top of the roof to the same building by 0.65m. It would be 250mm below the height of the roof at No.78. Five dormer windows are proposed in each of the front and rear elevations, as compared to four in the approved but the same as the previously refused scheme. The current scheme has been reduced in bulk and scale in order to overcome the 1st and second reasons for refusal of the previous scheme.

Whilst the Council's Urban Design and Conservation Area Officer sees the design of the proposed building frontage as an improvement on the previously refused scheme, the officer has raised concern about the elevational treatment/construction materials and has suggested improvement measures. Amendments have been made to the initial scheme to reflect the comments of the officer. However, the Urban Design and Conservation Area Officer also raised concern about the bulk of the rearward projection of the proposed building in comparison with neighbouring properties and possible views over the adjacent properties when seen from lower down the street. Although it is acknowledged that the current scheme has been reduced in size compared to the previously refused scheme, it is a significant increase in scale, size and bulk to the approved proposal. The increase in the size and bulk of the building, with raised eaves and increased overall height of the building would not be concealed by the stepped nature of the High Street. As such, it is considered that the proposal results in a development that would no longer sit comfortably with its neighbours and within the marked uniformity exhibited by the High Street and its special character status. It is therefore considered that the proposal would be contrary to policies BE5, BE13 and BE19 of the Hillingdon UDP Saved Policies (September 2007).

#### **7.04 Airport safeguarding**

Not applicable to this application

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

Not applicable to this application

#### **7.06 Environmental Impact**

Not applicable to this application

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

Refer to section 7.03

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

This proposal would result in the 6.5m rearmost depth of the ground floor of the proposed building being brought closer to the side boundary with No.78 by 1.1m and the depth of the main building increased from 16.0m to 18.3m as compared to the previous scheme that Members resolved to approve (ref. 7829/APP/2001/1211). However, the length of projection of its two-storey elements closest to no.78 would be 12.8m. The height of the proposed building also represents an increase in the height of the building on the previous scheme from 8.6m to 9.3m on average.

The use of the adjoining property, no.74, is as a takeaway on the ground floor with the first floor providing residential accommodation for its operator. As such, there are no habitable room windows on the ground floor of this property, and at the rear, there is only a kitchen with an external staircase that provides access between the two floors and the rear garden area, which does provide amenity space for the first floor flat. The proposal would result in two-storey development immediately abutting the shared side boundary with No. 74, projecting 4.6m from its rear elevation. This represents an increase of 2.1m on the previous scheme (ref. 7829/APP/2001/1211). However, it is considered that this increase would not merit a refusal of this application on grounds of dominance, given the existing Northwood Hall building on site, which, although set off the side boundary by approximately 2m, does have an eaves height which exceeds the cill height of the first floor windows at No.74 and projects at the rear for most of No.74's rear garden depth. Given this existing relationship, the proposal should be viewed as an improvement upon the amenities of No.74 in terms of dominance, as beyond the 4.5m two-storey projection, the building reduces to a single storey height for a depth of 4.2m and to the rear of this would be the car park. As No.74 is sited to the south of the application site, there would be no additional loss of sunlight.

To the north of the application site is No.78, a ground floor shop with associated residential accommodation to the rear and above, separated from the application site by its side access. At the rear is the shop's yard area, containing a number of outbuildings, which are mainly or last, used for storage purposes by surrounding shops and businesses. The proposal would increase the height of the side elevation wall facing this property by 1.2m and the overall depth of the building by 2.3m as compared to the previously accepted scheme. The flank wall of No.78 contains the only windows serving a ground floor dining room and kitchen and on the first floor, two windows serve a sitting room. The increase in depth of the building would only be appreciable from the rearmost ground floor window, which serves a small kitchen. As the increased depth of the building would be sited approximately 9m away from this non-habitable room window, any additional impact would not be so significant as to warrant an additional reason for refusal. However, the increase in height of the proposed building would be within approximately 3m of the first floor sitting room and 4.5m of the ground floor dining room windows. The Council's HDAS (SPD) 'Residential Layout' design guidance advises that buildings of two or more storeys in height should be sited a minimum distance of 15m away from habitable room windows. The depth of projection of the flank of the proposed building closest to and readily visible from to the first floor sitting room window of No.78 is comparable to that of the approved scheme. It is considered that as the previous scheme (ref. 7829/APP/2001/1211) was clearly in breach of design guidance, the current scheme would not exacerbate this situation. Although at such a distance, the additional height would increase the overall dominance of the building from this property, which would be compounded by additional loss of sunlight and daylight. However, the loss of sunlight and daylight is no greater than that caused by the approved scheme, which is still extant. This is illustrated in a comparative shadow test diagrams for the approved and the current proposed scheme.

However, the increase in height of the proposed building would be within approximately 3m of the first floor sitting room windows and 4.5m of the ground floor dining room windows. Design guidance advises that buildings of two or more storeys in height should be sited a minimum distance of 15m away from habitable room windows. Although the previous scheme (ref. 7829/APP/2001/1211) was clearly in breach of design guidance, the current scheme would exacerbate this situation. At such a distance, the additional height would significantly increase the overall dominance of the building from this property, which would be compounded by additional loss of sunlight and daylight. The proposal is therefore considered to have an unacceptable impact upon the amenities of the adjoining property, contrary to policies BE19, BE20 and BE21 of the Hillingdon UDP Saved Policies (September 2007) and section 4.0 of the Council's HDAS 'Residential Layouts'

The proposed front and rear windows would not overlook any adjoining properties or their 'patio areas' within a distance of 21m, in accordance with design guidance and the only side windows would serve the main hall and toilet facilities of the proposed dining hall and therefore could be obscure glazed. The proposal would therefore not result in any loss of privacy and satisfies policy BE24 of the Hillingdon UDP Saved Policies (September 2007).

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

The proposed residential units would provide adequate internal facilities so as to be self-contained and their habitable rooms would have adequate outlook. Policy BE23 of the Unitary Development Plan requires the provision of external amenity space, which is sufficient to protect the amenity of the occupants of the proposal and surrounding buildings, and which is usable in terms of its shape and siting. The Council's HDAS 'Residential Layouts' goes on to say that as a guide, studio and 1 bedroom flats should provide 20m<sup>2</sup> of private or shared amenity space. The previous report to Committee for 8 one-bedroom units acknowledged that the provision of amenity space for flats in town centres and on

'high streets' where space is at a premium is often a difficult issue to resolve. It went on to say that the redevelopment of the site presents particular difficulty as the 8 flats are needed to fund the re-building of the dining hall facility and that a usable area of amenity space was not available without substantial reductions to the built form. It stated that balconies were not appropriate as an alternative means of amenity space provision as they would be out of character with the High Street and potentially result in privacy impacts at the rear. The report concluded that despite being contrary to policy BE23, the issue alone was not considered to be of sufficient importance to justify refusing the application.

Notwithstanding the extant planning permission comprising 8, one-bedroom flats, the Council's design guide requires a minimum 50m<sup>2</sup> internal floor space for a one-bed unit and 38m<sup>2</sup> for a studio flat. The studio and one-bed flats have internal floor areas that are above the minimum required standard stipulated in Table 2 of the Council's HDAS Supplementary Planning Document - Residential Layouts. As such, it is considered that the proposed development would provide satisfactory living conditions for its future occupants. The proposal is therefore considered to be comply with Policy BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), Council's HDAS (SPD) 'Residential Layouts' and Policy 3A.3 of the London Plan.

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

The proposal would provide 11 car parking spaces at the rear. The Highways Engineer advises that the site is located in an area with a PTAL of 2. Given this, 1.5 spaces per unit should be provided, together with 5 spaces for the dining club, giving a total of 17 spaces.

The officer's committee report on the previous scheme (ref. 17829/APP/2001/1211) considered that 10 off-street spaces, including one disabled space, would have been acceptable. That assessment was largely based, perhaps erroneously, on a calculated area of the dining hall being 110m<sup>2</sup> and the Inspector's passing comments on the original application (ref. 17829/APP/2001/1210). The Inspector's Appeal Decision states "I have considered all other matters raised in the representations including the letters from persons living close by who are concerned at possible parking problems and loss of trees. I do not consider the proposed level of car parking to be unacceptable in this location well served by public transport."

However, this is essentially a different scheme, albeit of 8, one-bed flats, as it is larger in scale and size. The ground floor dining hall would also be larger than that approved. Furthermore, there is a need to treat each application on its individual merits and the alterations to the ground floor layout as compared to the previous scheme, effectively exclude direct access to the residential flats from the rear parking area. This necessitates the need for residents, after parking their vehicles, to walk back along the undercroft access to the High Street and the only entrance to the flats. With such a shared use, the Traffic Engineer advises that the width of the undercroft access at 2.8m is seriously undersized and should have a minimum width of 3.2 for a single lane access. The restricted width of the access represents a significant threat to highway and pedestrian safety and efficiency, with vehicles needing to wait in the High Street until the undercroft access is clear. As such, the proposal is contrary to Policies AM7 and AM14 of the Hillingdon UDP Saved Policies (September 2007).

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

Refer to Section 7.03

#### **7.12 Disabled access**

If the application were to be approved disabled access issues could be addressed through the imposition of appropriate conditions.

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

Not applicable to this application

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

Landscaping matters do not form part of the assessment of this application. However, a site layout plan has been submitted with the application. The Council's Trees and Landscaping Officer has raised no in principle objection to the removal of the two existing trees and the replanting of trees on site as illustrated on the layout plan. The key issue being that he considers that the applicant has demonstrated there is sufficient space in the proposed layout to accommodate a suitable landscaping scheme. As landscaping matters have been reserved, detailed drawings would be provided at reserved matters stage.

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

It is noted that while the refuse collection area for the residential flats is within 10m from the highway, the refuse collection point for the community hall, a commercial use, is over 25m from the highway, contrary to policy. However, whilst this distance exceeds the maximum 10m distance required from the closest point of access for a refuse collection vehicle, it is considered that the waste produced by the commercial use can be collected through a private arrangement with a commercial waste company. The Council's Waste Development Manager has advised that the applicant be required to clarify the proposal to highlight exactly how recyclable materials i.e. grades of paper and cupboard, cans, plastic bottles, and also glass bottles and jars will be separated from the residual refuse before planning approval is given. As the application is recommended for refusal this information has not been requested.

It is considered that subject to an appropriately worded condition the proposed development will accord with the Council's parking standards and would provide easily serviced refuse facilities for refuse collection vehicles, particularly for the residential properties.

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

If the application were to be approved disabled access, noise and sustainability issues could be addressed through the imposition of appropriate conditions.

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

Not applicable to this application

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

Not applicable to this application

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

The issues raised by the objectors have been addressed in the main report. This application has been considered on its own individual merits. The recently approved scheme on the land rear of the application site has no bearing on the consideration of this application as it is yet to be implemented. The issue about existing covenant on the land has no bearing on the consideration of this application. More so as planning permission does not override any ancient and property rights.

#### **7.20 Planning Obligations**

Not applicable to this application

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

None

## **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 although smaller in scale than the previously refused scheme, this proposal differs substantially from the scheme that was presented to Members for approval in March and April 2003 and subsequently approved in August 2007. The site has also been included in an Area of Special Local Character designated after the earlier application was first considered. The changes are not considered acceptable and are contrary to the stated policies. A refusal of the proposal is thus recommended.

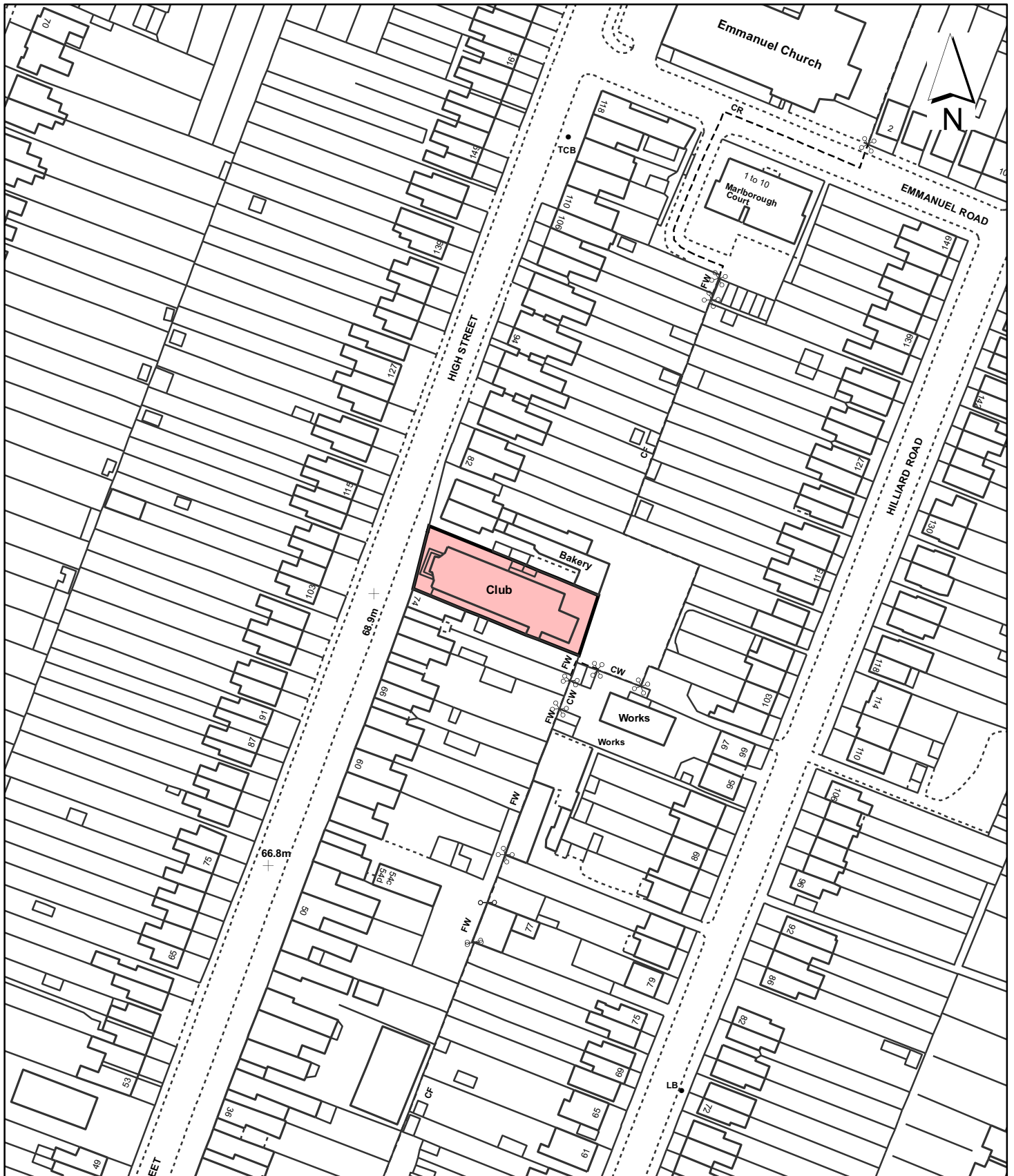
## **11. Reference Documents**

Refer to section 04.0




**Contact Officer:** Raphael Adenegan

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**Notes**

 Site boundary

For identification purposes only.

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Site Address

**76 High Street  
Northwood**

Planning Application Ref:  
**17829/APP/2009/683**

Planning Committee  
**North**

Scale  
**1:1,250**

Date  
**October 2009**

**LONDON BOROUGH  
OF HILLINGDON  
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