

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

**Address** LAND REAR OF 114, 116 & 118 ABBOTSBURY GARDENS EASTCOTE

**Development:** Single storey detached two-bedroom dwelling with associated parking and new vehicular crossover, involving demolition of an existing garage

**LBH Ref Nos:** 66232/APP/2009/1711

**Drawing Nos:** Design and Access Statement  
Tree Survey Report  
2009/116/001B  
2009/116/002C

**Date Plans Received:** 05/08/2009      **Date(s) of Amendment(s):** 05/08/2009  
**Date Application Valid:** 12/08/2009      25/09/2009  
30/09/2009

### 1. SUMMARY

It is considered that the design and location of the proposal would not compromise the aims and objectives of the relevant policies contained within the adopted London Borough of Hillingdon Unitary Development Plan Saved Policies September 2007 and there are no material planning considerations that would justify a refusal of permission. It is accordingly recommended that the application be approved.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 HH-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 HH-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 HH-OM1 Development in accordance with Amended Plans

The development shall not be carried out otherwise than in strict accordance with the amended plans received 15/09/2009 and 30/09/2009 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 HH-RPD3 Obscured Glazing**

The windows and door in the north facing elevation shall be glazed with permanently obscured glass 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).

**5 B16 Details/Samples to be Submitted**

Development shall not begin until details of windows (including materials, colours and finishes and details of glazing bars) to be used have been submitted to and approved by the Local Planning Authority.

**REASON**

To ensure that the development presents a satisfactory appearance.

**6 RPD6 Fences, Gates, Walls**

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 fences, gates or walls shall be erected other than those expressly authorised by this permission.

**REASON**

To protect the open-plan character of the estate in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**7 RPD7 Exclusion of Garages, Sheds and Out-buildings**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garage, shed or other outbuilding shall be erected within the curtilage of the dwellinghouse.

**REASON**

To protect the character and amenity of the area and prevent overdevelopment in accordance with policy BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**8 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 any 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).

**9 M3 Boundary treatment - details**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the [use hereby permitted is commenced] or [building(s) is (are) occupied or [in accordance with a timetable agreed in writing by the Local Planning Authority]]. Development shall be carried out in accordance with the approved details.

**REASON**

To safeguard the visual amenities of the area in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**10 NONSC Non Standard Condition**

The development hereby permitted, shall not be occupied until the dustbin and recycling storage facilities have been provided in accordance with the approved plans. Thereafter, these facilities shall be permanently retained on site.

**REASON**

To ensure a satisfactory form of development in compliance with the UDP Saved Policies September 2007.

**11 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,
- Hard surfacing materials proposed,
- Existing and proposed functional services above and below ground (e.g. drainage, power cables or communications equipment, indicating lines, manholes or associated structures).

**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).

**12 TL6 Landscaping Scheme - implementation**

All hard and soft landscaping shall be carried out in accordance with the approved landscaping scheme and shall be completed within the first planting and seeding seasons following the completion of the development or the occupation of the buildings, whichever is the earlier period.

The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently

retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which within a period of 5 years from the completion of development dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased shall be replaced in the same place in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to any variation.

#### REASON

To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **13 SUS4 Code for Sustainable Homes details (only where proposed as**

No 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 the dwelling has been designed to achieve level 3 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).

#### **14 TL1 Existing Trees - Survey**

Prior to any work commencing on site, an accurate survey plan at a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The plan must show:-

- (i) Existing and proposed site levels.
- (ii) Routes of any existing or proposed underground works and overhead lines including their manner of construction.

#### REASON

To enable the Local Planning Authority to assess the amenity value of existing trees, hedges and shrubs and the impact of the proposed development on them and to ensure that the development conforms with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **15 TL2 Trees to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority.

If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the

Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS 3998 (1989) 'Recommendations for Tree Work' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

#### REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and to comply with Section 197 of the Town and Country Planning Act 1990.

### **16 TL3 Protection of trees during site clearance and development**

Prior to the commencement of any site clearance or construction work, detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres. The fencing shall be retained in position until development is completed. The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

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

#### REASON

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

### **17 TL7 Maintenance of Landscaped Areas**

No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

#### REASON

To ensure that the approved landscaping is properly maintained in accordance with policy BE38 of the Hillingdon Unitary Development Plan (September 2007).

### **18 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.

### **19 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).

### **20 NONSC Non Standard Condition**

The parking spaces, as shown on Drawing No. 2009/116/002C, shall be provided and retained in connection with the development hereby approved for as long as the development remains in existence.

#### Reason:

In the interest of highway and pedestrian safety and to ensure that parking is provided for the development in compliance with policy AM14 of the adopted 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. It is considered that the bulk and design of the proposal would not result in a dominant or discordant feature in the street scene or the wider area, and therefore no undue harm would result. As such, the proposal is considered to be in-keeping with the appearance of the surrounding area.

BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE21	Siting, bulk and proximity of new buildings/extensions.

BE20	Daylight and sunlight considerations.
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
H12	Tandem development of backland in residential areas
AM14	New development and car parking standards.
HDAS	Residential Layouts
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
BE15	Alterations and extensions to existing buildings

### **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 16 Property Rights/Rights of Light**

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

## **8 115 Control of Environmental Nuisance from Construction Work**

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

A) Demolition and construction works 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.

### **3. CONSIDERATIONS**

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

The site currently forms part of the rear gardens of Nos. 114, 116 and 118 Abbotsbury Gardens. The three houses back onto Lowlands Road and No.118 is located at the junction of Lowlands Road and Rushdene Road. As such the site fronts the corner of both these street, with a frontage of 13.8m along Rushdene Road and a 21.7m long frontage along Lowlands Road.

The area is a typical inter-war suburb with a mix of detached and semi-detached houses and bungalows on generally spacious plots. The host houses along with the other houses in this street are detached and semi-detached houses, as are the properties on Lowlands Road (although it is the fenced rear gardens that the application site is opposite). The properties on the opposite side from the application site across Rushdene Road are detached bungalows and directly front the application site.

The area is known as the Deane Estate and is characterised by half brick, half render properties, some with their origins in the arts and crafts movement, other clearly influenced



by the Art Deco movement. Mature trees and fenced gardens situated at back of pavement are commonplace and add to the open suburban character of the area.

The site itself comprises several mature trees and is fenced off with a variety of fencing and part walling. A single detached garage (contemporary to the housing in the area) is situated in the rear garden of No.118 and is accessed via double gates at the corner of Rushdene Road and Lowlands Road.

### **3.2 Proposed Scheme**

Planning permission is sought for the erection of a detached bungalow. The building would be positioned at its closest, 3m from the back edge of the pavement along Lowlands Road and 3.8m from the back edge of the along Rushdene Road. The properties principal elevation would be towards Rushdene Road where a vehicular entrance to a 16m long side driveway would be sited 9.5m from the corner of the site.

The building will have a total depth of 10.7m, a total width of 8.9m and a full-hipped roof at a maximum height of 6.6m. It is proposed to relocate 2 Japanese maple trees into the rear garden, subject to the approval of a landscape scheme for the whole site.

The property would have additional design details of a smaller projecting hipped element on the rear and Lowlands Road frontage and a gabled element on the Rushdene Road frontage. 0.65m high boundary walling will enclose the Rushdene Road frontage and will continue part way along the Lowlands Road frontage, before increasing up to a 1.7m high fence to enclose the remainder of the site.

### **3.3 Relevant Planning History**

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

None

## **4. Planning Policies and Standards**

### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

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.   |
| BE21 | Siting, bulk and proximity of new buildings/extensions.   |
| BE20 | Daylight and sunlight considerations.   |
| 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                                    |

H12	Tandem development of backland in residential areas
AM14	New development and car parking standards.
HDAS	Residential Layouts
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
BE15	Alterations and extensions to existing buildings

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

**5.1** Advertisement Expiry Date:- Not applicable

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

## **6. Consultations**

### **External Consultees**

65 neighbouring occupiers and the Eastcote Residents Association consulted. 16 letters and a petition containing 58 signatures, objecting to the proposal have been received raising the following issues:

- i) Contravention to the original ethos of the design of the area;
- ii) Foreshortened gardens will be out of keeping with the area;
- iii) Proposed garden is smaller than average in the area;
- iv) Small proposed living space;
- v) Complicated roof design;
- vi) Will appear as an isolated dwelling;
- vii) No compensation for loss of trees;
- viii) Trees still have many years of life in them;
- ix) Does not enhance the character of the area;
- x) Loss of residential amenity;
- xi) Loss of light;
- xii) Risk of highway danger to children attending the local school;
- xiii) The amendments only serve to make the roof higher and have not addressed the complicated roof shape which is out of character with the area.

### **Internal Consultees**

Tree and Landscape Officer

There are several small trees, two groups of trees, and a mature cypress hedge on site. They have been surveyed and found to be of relatively low quality (and visual amenity value), such that they should not constrain the development of the site.

The Site Plan does not show all of the trees, groups and hedges, and does not identify them by reference to the survey. However, it is clear that two trees and the groups of trees will remain in the gardens of 114 and 118 Abbotsbury Gardens, and part of the one group will be retained on the site. The other trees and the hedge will be removed to facilitate the development.

However, the Site Plan should be revised to identify, by reference to the survey report, and show all of the trees and groups to be retained or removed. It should also note that, if practicable, the two Japanese Maples will be transplanted to the rear garden of the proposed dwelling.

There is scope for landscaping of the site (to fit with the surrounding gardens). In that context, the loss of the mature conifer hedge (group G3), which does not make a positive contribution to the visual amenity and landscape of the locality, the defective Cypress (tree 1) and the two small, immature, Japanese Maples, will not be detrimental to the visual amenity of the area. It may also be possible to transplant the two Japanese Maples to form part of a landscaping scheme associated with the proposed development.

Subject to the above revisions and conditions TL1 (services and levels), TL2, TL3, TL5, TL6 and TL7, the scheme is acceptable in terms of Saved Policy BE38 of the UDP.

Waste and Recycling Co-ordinator

Recommends bin and recycling storage area and waste grinding facility are provided.

Environmental Protection Unit - Recommend informative on site construction.

## **7. MAIN PLANNING ISSUES**

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

Policy H12 of the UDP Saved Policies September 2007 states that proposals for development of backland sites in residential areas will only be permitted if no undue disturbance or loss of privacy is likely to be caused to adjoining occupiers. This policy recognises that some houses with long back gardens may provide more garden area than is actually required and can be developed for housing purposes, provided that proposals conform with other policies in the plan. It is also specified that a proper means of access is required. There is therefore no objection in principle to this development subject to the proposal satisfying Policy H12 and other policies in the UDP (Saved Policies, September 2007).

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

The scheme would have a residential density which equates to approximately 120 habitable rooms per hectare (hrpha). Whilst this would be under the London Plan's recommended guidelines having regard to the sites' Public Transport Accessibility Level (PTAL) score of 1b (which suggests a level of 150-200 hrpha, 30-50 units per hectare), this density would be more comparable with the surrounding residential development and this marginal shortfall is not considered enough to warrant the refusal of Planning Permission on these grounds alone. As such, the proposal is considered to comply with the intentions of Policy 4B.3 of the London Plan (2008).

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

Not applicable to this application.

### **7.04 Airport safeguarding**

Not applicable to this application.

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

Not applicable to this application.

### **7.06 Environmental Impact**

Not applicable to this application.

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

The Deane Estate is a characteristic 1930's development comprising semi-detached and detached properties with a variety of house styles. Although properties immediately adjoining the application site are semi-detached there are detached properties opposite the site and on this Estate. The properties are situated on large plots of land and generally have long gardens.

Policy BE13 of the UDP Saved Policies September 2007 states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the local planning authority considers it desirable to retain or enhance.

Paragraph 4.10 of the SPD HDAS: Residential Layouts, states that the height of new buildings should be determined not only by the proportions, siting and lines of the surrounding buildings, but also by the relationship between the proposed buildings and the wider public realm. As a general rule the established front and rear building lines should guide the siting of new dwellings.

The proposal fronts two streets and therefore must accord with two building lines, although it must be noted that its relationship to these building lines is informal and will not follow a typical pattern of development. With regards to Rushdene Road, the proposal is set back behind the flank wall of the host property No.118 Abbotsbury Gardens. This is both to give the building a more subordinate appearance and to satisfy the 21m distance requirement for overlooking. None-the-less the proposal is satisfactory in terms of its siting in relation to the existing building line and the street scene.

The property is sited on the corner of Lowlands Road and the property on the opposite corner, a bungalow, is the main reference point in terms of scale and design. The street scene is angled on the opposite side of the junction, however, the building line is mindful of this and sites the property further in than the property opposite. This street scene which continues on into Cannonbury Avenue is stepped, with the property referred to above (57 Rushdene Road) being sited 4m forwards of the properties in Cannonbury Avenue, as such a further step in the building line would not be considered inappropriate.

The SPD states under paragraph 5.6 that corners and junctions typically provide a much more complex set of constraints than simple lengths of street and give the opportunity to create a strong landmark, building up the quality of the urban character for the area as a whole. In these instances, the buildings on a junction are more likely to relate to one another than to their immediate neighbours.

In addition Paragraph 4.24 of the SPD states that over time rooflines have contributed to the character of the townscape, and a diverse roofline with a variety of pitches is considered to improve the richness of the townscape where this adequately respects the wider streetscene.

Considering the nature of this site as a corner site the provision of a bungalow with a full hipped, pitched roof with subservient features is considered to respect the constraints of the surrounding properties in terms of height and scale and is considered to be acceptable in terms of its bulk and appearance in the street scene.

The proposal, although sited within the rear garden space of existing houses, is not considered to comprise regular backland development as it fronts onto two roads. It is considered that the bulk and design of the proposal would not result in a dominant or discordant feature in the street scene or the wider area, and therefore no undue harm would result. As such, the proposal is considered to be in-keeping with the appearance of the surrounding area, thereby complying with policies BE13 and BE19 of the UDP (Saved Policies September 2007) the Supplementary Planning Document HDAS: Residential Layouts.

## **7.08 Impact on neighbours**

The Councils adopted Supplementary Planning Document (SPD) on Design and Accessibility Statement (HDAS) for Residential Layout offers the following guidance that must be accorded with if new housing is to be considered satisfactory:

Para 4.9 states that all residential developments, including habitable rooms and kitchens, and amenity space should receive adequate daylight and sunlight. Care must be taken to ensure that the new development is of an appropriate scale and mass and that proposals for new landscaping avoid overshadowing of proposed and adjacent buildings. The distance provided will be dependant on the bulk and size of the building but generally, 15m will be the minimum acceptable distance. It should be noted that the minimum 21m overlooking distance will still need to be complied with.

The application proposes to site a bungalow with a total height of 6.6m in the rear gardens of three established two-storey houses. The bungalow would have hipped roofs so as to reduce the volume of the roof above the eaves at 2.6m.

A distance of 16.3m is maintained between the proposed dwelling and the host properties, which when considering the more subordinate scale of the structure to these houses and the limited windows in this facing elevation (being principally an obscure glazed bathroom window) is considered acceptable and will accord with the 15m minimum distance.

A distance of 24m is maintained between the proposed dwelling and the nearest corner of the closest bungalow on the opposite side of Rushdene Road. Whilst principal habitable room windows are proposed in this elevation the minimum 21m distance is satisfied.

The comments and objection of neighbouring residents have been considered, however it is considered that the proposal would comply with Policy OE1, BE20, BE21 and BE24 of the London Borough of Hillingdon (UDP) (Saved Policies 2007) and as such these objections do not substantiate a reason for refusal.

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

Section 4.7 of the SPD: Residential Layouts, states careful consideration should be given to the design of the internal layout and that satisfactory indoor living space and amenities should be provided. The proposed internal floor space for the new dwelling would be over 66m<sup>2</sup>. The SPD states that the minimum amount of floor space required for a 2-bedroom house or bungalow is 63sq.m and therefore the proposal would comply with this advice.

With regard to the size of the garden, the SDP: Residential Layouts: Section 4.15 states that a 2 bed dwelling should have a minimum garden space of 60m<sup>2</sup>, and the development would comply with this advice, with a rear usable garden area over 140m<sup>2</sup>. Whilst there would be a reduction in the amenity land for the remaining dwellings, the amenity space left for these properties would still be in excess of 100m<sup>2</sup>. Therefore the proposal would comply with this advice and with Policy BE23 of the Hillingdon UDP (Saved Policies, September 2007).

It is considered, that all the proposed habitable rooms, and those altered by the development still maintain an adequate outlook and source of natural light, therefore complying with Policy 4A.3 of the London Plan (2008).

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

The proposed development would remove the existing vehicular access which is located at 45-degrees, directly on the corner of Rushdene Road and Lowlands Road, and proposes a new vehicular access onto Rushdene Road (9.5m from the junction).

In addition the existing garage, which has no apron/forecourt and is therefore dangerous in terms of vehicular manoeuvring will be removed and a new driveway will be provided with a 2.1 x 2.1m clear visibility splay across the rear garden of No.118.

Paragraph 4.33 of the SPD states that all new developments, whether new build or conversions should provide parking in accordance with the parking standards set out in the UDP and the London Plan. The proposal provides 2 car parking spaces on the side driveway and this is acceptable and in compliance with Policies AM7 and AM14 of the Hillingdon UDP (Saved Policies, September 2007).

Paragraph 4.39 of the SPD states that parking areas for bicycles should be designed as part of the wider landscape and should complement the buildings and the external area. Three cycle spaces are provided by the pedestrian access into the site, on Lowlands Road, and are considered to be satisfactory in terms of position and number.

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

Paragraph 4.26 of the SPD states that well-defined boundary lines help reduce the occurrence of crime, enhance private amenity and contribute to the quality of the streetscene and the environment generally. High walls, gates, fences and solid barriers will normally be resisted by the Council, as they can prevent an alienating frontage, diminish the benefits of natural surveillance and encourage graffiti and vandalism.

The plans have been amended so as to introduce windows on the elevation towards Lowlands Road resulting in better surveillance over the street. The property is set back from the edge of the pavement, offering open and yet defensible space, with a low boundary wall. As such, in urban design and security terms the proposal is considered acceptable.

#### **7.12 Disabled access**

Disabled access will be provided at ground floor via a level threshold and the unit would be a wheelchair accessible. The size of the unit is such that it would be able to satisfy Lifetime Homes standards. Therefore the proposal would comply with Policy 3A.4 of the London Plan and the Council's SPD HDAS: Accessible Hillingdon.

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

Not applicable to this application.

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

Policy BE38 of the UDP Saved Policies September 2007 states that development proposals will be expected to retain and utilise topography and landscaping features of merit and provide new planting and landscaping wherever it is appropriate. Planning applicants for planning consent will be required to provide an accurate tree survey showing the location, height, spread and species of all trees where their proposals would affect any existing trees.

With regard to the proposed development, the Council's Tree and Landscape Officer has considered the application and the submitted arboricultural report and he considers that the loss of some small groups of low quality trees, including the conifer hedge and a defective Cypress to be acceptable. The proposal has been amended to indicate that the two Japanese Maples will be transplanted to the rear garden. Thus subject to conditions protecting the remaining trees and the requirement to submit a landscape scheme the Tree and Landscape Officer considers the proposal to be acceptable and in compliance with Policy BE38 of the UDP Saved Policies September 2007.

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

In terms of waste management paragraph 4.40 of the SPD requires adequate and appropriate space for waste and recycling facilities, including wheelie bins where appropriate, recycling bins and composting facilities should be incorporated into new developments. Bin and recycle storage is provided in compliance with these requirements.

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

A condition is recommended to ensure compliance with level 3 of the Code for Sustainable Homes.

#### **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 covered in the main report.

#### **7.20 Planning Obligations**

Not applicable to this application.

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

Not applicable to this application.

#### **7.22 Other Issues**

None

### **8. Observations of the Borough Solicitor**

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

### **9. Observations of the Director of Finance**

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 the proposed development is acceptable and accords with policies BE13, BE19, BE20, BE21, BE23, BE24, BE38, OE1, H12 and AM14 of the London Borough of Hillingdon (UDP) (Saved Policies September 2007) and the adopted Supplementary Planning Document HDAS: Residential Layout and is therefore recommended for approval.

## **11. Reference Documents**

Hillingdon Unitary Development Plan Saved Policies September 2007  
HDAS: Residential Layouts: July 2006  
The London Plan (2008)


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**Notes**

 Site boundary

For identification purposes only.

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Site Address

**Land rear of 114, 116 & 118  
Abbotsbury Gardens  
Eastcote**

Planning Application Ref:

**66232/APP/2009/1711**

Planning Committee

**North**

Scale

**1:1,250**

Date

**November 2009**

**LONDON BOROUGH  
OF HILLINGDON  
Planning &  
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