

Report of the Corporate Director of Planning & Community Services

Address LAND AT REAR AND FORMING PART OF 63, 65 AND 67 LOWLANDS ROAD EASTCOTE

Development: Two storey, detached four-bedroom dwelling with habitable roofspace with associated parking and new vehicular crossover

LBH Ref Nos: 56032/APP/2009/967

Drawing Nos: 1:1250 Site location plan
Design and Access Statement
TSG/65LR/PRK/07
TSG/65LR/PRK/06
TSG/65LR/PRK/04
TSG/65LR/PRK/05 Received 7th September 2009
TSG/65LR/PRK/09 Received 7th September 2009
TSG/65LR/PRK/10 Received 7th September 2009
TSG/65LR/PRK/02 Received 7th September 2009
TSG/65LR/PRK/01 Received 7th September 2009
TSG/65LR/PRK/03 Received 7th September 2009
TS09-118M/1 Received 7th September 2009
TSG/65LR/PRK/08 Received 30th October 2009

Date Plans Received:	11/05/2009	Date(s) of Amendment(s):	11/05/2009
Date Application Valid:	21/05/2009		21/05/2009
			07/09/2009
			30/10/2009

DEFERRED ON 4th November 2009 FOR SITE VISIT . 21st October 2009

Members will recall that this application was deferred at the committee of the 6th October for the following reasons:

1. For members to attend a site visit - this took place on the 21st October;
2. For plans showing the height of the proposed building in the context of existing buildings - these plans are available;
3. A revised drawing showing the size of the proposed crossover to be reduced - This has been submitted and is considered to comply with the requirements of the Council's Highway Engineer; and
4. To ensure that the appeal decisions for the last four applications on the site are attached to the report, for members' information. These decisions are attached to this report.

Members are also informed that since the application was deferred a further petition containing 20 signatures has been received from the Eastcote Residents Association, requesting representation at the Committee when the application is discussed.

1. SUMMARY

The application site has been the subject of a number of proposals for residential development in the past. This current application has reduced the overall size and bulk of the house and simplified the roof design in order to address the concerns of the Inspector who dismissed the previous application at appeal. It is considered that the revised

scheme would not give rise to an overdominant or incongruous form of development. Adequate amenity space would be provided for existing and future occupiers in accordance with council policy and standards. The proposal would not be overdominant or result in a loss of privacy to nearby occupiers, and the proposed means of access affords adequate visibility and parking and is provided in accordance with the Council's standards.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 Time Limit - full planning application 3 years

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

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

2 M1 Details/Samples to be Submitted

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

REASON

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

3 OM1 Development in accordance with Approved Plans

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

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 MRD4 Single Dwellings Occupation

The development hereby approved shall not be sub-divided to form additional dwelling units or used in multiple occupation without a further express permission from the Local Planning Authority.

REASON

To ensure that the premises remain as a single dwelling until such time as the Local Planning Authority may be satisfied that conversion would be in accordance with Policy H7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 MRD8 Education Contributions

Before the development hereby permitted is commenced, a scheme shall be submitted to and approved by the Local Planning Authority detailing how additional or improved education facilities will be provided within a 3 miles radius of the site to accommodate the

child yield arising from the proposed development. This shall include a timescale for the provision of the additional/improved facilities. The approved means and timescale of accommodating the child yield arising from the development shall then be implemented in accordance with the agreed scheme.

REASON

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

6 RPD1 No Additional Windows or Doors

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

REASON

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

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

The first floor windows facing Nos.98-104 Abbotsbury Gardens and 63-67 Lowlands Road shall be glazed with obscure glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

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

8 RPD5 Restrictions on Erection of Extensions and Outbuildings

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

REASON

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

9 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)

10 **OM5** **Provision of Bin Stores**

No development shall take place until details of facilities to be provided for the screened and secure storage of refuse bins within the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

REASON

To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents, in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

11 **M6** **Boundary Fencing - retention**

A 1.8 metre high close boarded fence or imperforate wall shall be maintained on the boundary with Nos. 98-104 Abbotsbury Gardens and 63-67 Lowlands Road for the full depth of the development hereby approved, and shall be permanently retained for so long as the development remains in existence.

REASON

To safeguard the privacy and amenity of neighbouring occupiers in accordance with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

12 **H5** **Sight Lines - submission of details**

The development hereby permitted shall not be commenced until details of the sight lines at the point of the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved sight lines have been implemented and thereafter, the sight lines shall be permanently retained and kept clear of obstructions exceeding 0.6 metres in height.

REASON

To ensure that adequate sight lines are provided and thereafter retained in the interests of highway safety in accordance with Policy AM7 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

13 **H7** **Parking Arrangements (Residential)**

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

REASON

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

14 **H13** **Installation of gates onto a highway**

No gates shall be installed which open outwards over the highway/footway.

REASON

To ensure that pedestrian and vehicular safety is not prejudiced in accordance with Policies AM3 and AM8 of the Hillingdon Unitary Development Plan Saved Policies

(September 2007) and Chapter 3C of the London Plan. (February 2008).

15 RCU3 Loss of Garage(s) to Living Accommodation (Not Garage Courts)

Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990, the garage(s) shall be used only for the accommodation of private motor vehicles incidental to the use of the dwellinghouse as a residence.

REASON

To ensure that adequate off-street parking to serve the development is provided and retained, in accordance with policy AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

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

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

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

The scheme shall also include details of the following: -

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

REASON

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

17 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).

18 DRC1 Surface Water/Sewage Disposal

Before any part of this development is commenced, details of a scheme for the disposal of surface water and sewage shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of this scheme shall be carried out before any part of the approved development is occupied unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure that the proposed development drainage is in accordance with the required standards and that the development does not give rise to an increased risk of flooding, nor to an overloading of the sewerage system in the locality in accordance with Policy OE7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policies 4A.14, 4A.17 and 4A.18 of the London Plan (February 2008).

19 OM19 Construction Management Plan

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

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

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

REASON

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

20 NONSC Non Standard Condition

Notwithstanding the submitted plans, the area in the roofspace shall only be used as storage/non habitable space.

REASON

The space does not have any outlook and its use as habitable space would result in sub-standard accommodation which would be contrary to Policy BE19 of the Hillingdon Unitary Development Plan Saved Policies September 2007 and the Supplementary Planning Document HDAS: Residential Layouts.

21 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) 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.

22 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).

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

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 each 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).

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. The scheme would not give rise to an overdominant or incongruous form of development. Adequate amenity space would be provided for existing and future occupiers in accordance with council policy and standards. The proposal would not be overdominant or result in a loss of privacy to nearby occupiers, and the proposed means of access affords adequate visibility and parking and is provided in accordance with the Council's standards.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H12	Tandem development of backland in residential areas
OE1	Protection of the character and amenities of surrounding properties and the local area
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Residential Layouts
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 3A.4	Accessible Developments
LPP 4B.3	Residential Densities

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 15 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundworks within 6 metres of an adjoining building.
- Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

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.

8 147 Damage to Verge

You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

9 123 Vehicle crossovers

The development requires the formation of a vehicular crossover, which will be constructed by the Council. This work is also subject to the issuing of a separate licence to obstruct or open up the public highway. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

10 115 Control of Environmental Nuisance from Construction Work

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

A) Demolition and construction works 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.

11

The development must have a food waste grinder included as standard as part of the kitchen sink unit to allow residents to indirectly recycle their food wastes by grinding it and washing it down into the waste water system for composting by the relevant water company.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises approximately half of the back gardens to the rear of three semi-detached houses located on the northern side of Lowlands Road, which runs in an east/west direction. Immediately to the east of No.63 the road turns to the north at 90 degrees. The proposed house would be orientated to face this road, and would be set at 90 degrees to the existing houses (Nos. 63-65, odd).

Lowlands Road and other roads within close proximity of the application site predominantly comprise of two storey semi-detached houses with long gardens, a number of which have extensions and loft conversions with rear dormer additions, creating rooms within the roof.

The site is within the 'developed area' as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

3.2 Proposed Scheme

Planning permission is sought for the erection of a 2 storey four-bedroom detached house with additional habitable accommodation in the roof space. There would be a single storey side projection giving an 'L' shaped footprint. The proposed two-storey element would be 8.6m wide and 12.5m deep. The dwelling would be finished with a hipped roof, 5.5m high to the eaves and 8.8m to the ridge. The house would have a single storey side projection, which would be set back from the front wall by 7.55m and would be 3.8m wide by 6.45m deep. This projection would wrap round the rear of the proposed dwelling at a depth of 1.4 and would span the whole of the rear elevation. This single storey element would be

finished with a crown and mono-pitched roof form at a maximum height of 3.4m. Roof lights are proposed on the front, rear and side facing towards Abbotsbury Gardens. Two off street parking spaces would be provided, one within an integral garage, accessed from Lowlands Road.

With regard to the size and bulk of the current proposal in relation to the previous two schemes (2008/2417 and 2005/1287), both of which were dismissed at appeal, the table below lists the main points:

Width of 2 storey element	2009/967 =8.6m	2008/2417 =8.2m	2005/1287 =8.6m
Depth of 2 storey element	2009/967 =12.5m	2008/2417 =15.1m	2005/1287=15.1m
Height to eaves (2 storey)	2009/967 =5.5m	2008/2417 =5.3m	2005/1287 =5.3m
Height to Ridge (2 storey)	2009/967 =8.8m	2008/2417 =8.6m	2005/1287 =8.6m
Width of single storey element	2009/967 =3.8m	2008/2417 =3.8m	2005/1287 =3.8m
Depth of single storey element	2009/967 =6.4m	2008/2417 =6.4m	2005/1287 =5.2m
Height of single storey element	2009/967 =3.4m	2008/2417 =5.1m	2005/1287 =4.8m
Dormers	2009/967 =No	2008/2417 =Yes	2005/1287 =Yes

The siting of this current proposal remains the same as the previous application, however the overall depth has been reduced by 2.6m and the height of the single storey side element has been reduced to 3.4m. The previous scheme, as with the current application, proposed a two storey house with a single storey side addition and integral garage, although the current scheme now shows the siting of the garage on the northern side of the proposed dwelling in order to overcome the inspectors concern regarding the lack of outlook and necessity of artificial light that would be required by the proposed dining room, due to the close proximity of the window to the shared boundary. The dormer windows have been removed from the scheme and there are no gabled elements proposed.

3.3 Relevant Planning History

56032/APP/2001/400 Land At Rear And Forming Part Of 63, 65 And 67 Lowlands Road Erection Of Two Five-Bedroom Three Storey Detached Houses

Decision: 08-03-2002 Refused

56032/APP/2002/1134 Land At Rear And Forming Part Of 63, 65 And 67 Lowlands Road Erection Of 2 Five-Bedroom Detached Houses With Integral Garages And Rear Dormer Windows In Rear Roof Elevations

Decision: 01-08-2003 Refused **Appeal:** 12-03-2004 Withdrawn

56032/APP/2004/3302 Land At Rear And Forming Part Of 63, 65 And 67 Lowlands Road Erection Of A Four-Bedroom Detached House With Integral Garage

Decision: 31-01-2005 Refused **Appeal:** 13-07-2005 Dismissed

56032/APP/2004/976 Land At Rear And Forming Part Of 63, 65 And 67 Lowlands Road Erection Of A Five-Bedroom Detached House

Decision: 22-06-2004 Refused

Appeal: 22-02-2005 Dismissed

56032/APP/2005/1287 Land Forming Part Of 63, 65 & 67 Lowlands Road Eastcote
ERECTION OF A FOUR-BEDROOM DETACHED HOUSE.

Decision: 21-04-2006 Refused

Appeal: 19-04-2007 Dismissed

56032/APP/2008/2417 Land At Rear And Forming Part Of 63, 65 And 67 Lowlands Road Ea
ERECTION OF A FOUR-BEDROOM DETACHED DWELLING WITH AN INTEGRAL GARAGE
AND OFF STREET PARKING AND NEW VEHICULAR ACCESS FROM LOWLANDS ROAD

Decision: 03-04-2009 Not Determined

Appeal: 03-04-2009 Dismissed

Comment on Relevant Planning History

Permission was refused in March 2002 for the erection of two, 5-bedroom three-storey detached houses (ref. 56032/APP/2001/400) for the following reasons:

1. The proposal would result in an over-development of the site with an excessive site coverage and bulk of buildings that would be out of keeping with the general scale of other semi-detached and detached buildings in the area. The proposal would be detrimental to the character and visual amenities of the area
2. The size of the detached houses and their proposed location in the rear gardens of three existing properties by reason of their overall size, siting, bulk and height would represent an obtrusive form of development to the detriment of the amenities of adjoining properties.

Permission was refused in July 2003 for the erection of two, 5-bedroom detached houses with integral garages (ref: 56032/APP/2002/1134) for the following reasons:

1. The proposal does not provide a 1m gap between off the boundary of the site and between the new dwellings, giving rise to a cramped form of development, which would be detrimental to the visual amenities of the street scene and character and appearance of the area.
2. The proposal having regard to the size of surrounding gardens in Lowlands Road, fails to maintain an adequate amount of amenity space in order to relate satisfactorily with the character of the area, and as such would be detrimental to the amenity of the neighbouring occupiers and character of the area.
3. The proposal by reason of its siting, bulk and height would represent an obtrusive and overdominant form of development that would be out of keeping with the general scale of other houses in the area to the detriment of the visual amenities of the area.
4. The proposed access near the bend in the road would harm highway and pedestrian safety.

Permission was refused for the erection of a five bedroom detached house with an integral garage (ref: 56032/APP/2004/976) for the following reasons:

1. The proposed development by reason of its size bulk and location would not be in keeping with the plan layout of the surrounding area adversely impacting upon the visual amenities of the streetscene and locality. The proposal is therefore contrary to Policies

Pt1.10 and BE19 of the borough's adopted Unitary Development Plan.

2. The proposed development by reason of its location to the rear of adjoining gardens, would result in a loss of privacy to adjoining residential properties at Nos.98, 100 and 102 Abbotsbury Gardens. The proposal is therefore contrary to Policy H12 of the borough's adopted Unitary Development Plan.

This application was dismissed on appeal on 22/02/05.

Permission was refused for the erection of a four bedroom detached house (ref: 56032/APP/2004/3302) for the following reasons:

1. The proposed development by reason of the siting, size, bulk and roof design would be out of keeping with the character of the surrounding area and properties adversely impacting on the visual amenities of the locality contrary to policies BE13 and BE19 of the borough's adopted Unitary Development Plan.

This application was dismissed on appeal on 13/07/05.

Permission was refused for the erection of a four bedroom detached house (ref: 56032/APP/2005/1287) for the following reasons:

1. The proposed development by reason of its siting, size, bulk and design would be out of keeping with the design and layout of the surrounding area, creating an out of scale and visually overdominant form of backland development detrimental to the character and visual amenities of the locality and street scene. The proposal is therefore contrary to Policies BE13, BE19 and H12 of the adopted Unitary Development Plan.

2. The proposal does not provide a proper means of access to the new house, introducing a traffic conflict point close to a bend which is likely to give rise to conditions detrimental to highway and pedestrian safety contrary to Policy AM7(ii) of the adopted Unitary Development Plan.

This application was dismissed on appeal on 19/04/07.

An appeal was lodged against the non determination of an application for the erection of a four bedroom detached dwelling with integral garage and off street parking (ref 56032/APP/2008/2417). However, the Planning Committee determined that had the Local Planning Authority been in a position to determine the application, it would have been refused for the following reasons:

1. The proposed development by reason of its siting, size, bulk and design would be out of keeping with the design and layout of the surrounding area, creating an out of scale and visually overdominant form of backland development detrimental to the character and visual amenities of the locality and street scene. The proposal is therefore contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies September 2007 and the Supplementary Planning Document HDAS: Residential Layouts.

2. The proposal by reason of the relationship to the proposed dining room to the northern boundary of the application site would fail to provide a satisfactory outlook giving rise to a substandard form of accommodation for the future occupiers of this property and would necessitate the increased use of artificial light, which fails to meet the objective of Policy BE19 of the Hillingdon Unitary Development Plan Saved Policies September 2007, the Supplementary Planning Document HDAS: Residential Layouts and Policy 4A.3 of the London Plan 2008.

3. The development is estimated to give rise to a significant number of children of school age and additional provision would need to be made in the locality due to the shortfall of places in schools serving the area. Given that a legal agreement at this stage has not been offered or secured, the proposal is considered to be contrary to Policy R17 of the Borough's adopted Unitary Development Plan Saved Policies September 2007.

The appeal was dismissed on the 3rd April 2009.

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. |
| BE15 | Alterations and extensions to existing buildings |
| BE19 | New development must improve or complement the character of the area. |
| BE20 | Daylight and sunlight considerations. |
| BE21 | Siting, bulk and proximity of new buildings/extensions. |
| BE22 | Residential extensions/buildings of two or more storeys. |
| BE23 | Requires the provision of adequate amenity space. |
| BE24 | Requires new development to ensure adequate levels of privacy to neighbours. |
| BE38 | Retention of topographical and landscape features and provision of new planting and landscaping in development proposals. |
| H12 | Tandem development of backland in residential areas |
| OE1 | Protection of the character and amenities of surrounding properties and the local area |
| AM7 | Consideration of traffic generated by proposed developments. |
| AM14 | New development and car parking standards. |
| HDAS | Residential Layouts |
| LPP 4A.3 | London Plan Policy 4A.3 - Sustainable Design and Construction. |
| LPP 3A.4 | Accessible Developments |
| LPP 4B.3 | Residential Densities |

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

95 neighbours and Eastcote Residents Association were consulted. 26 individual responses and a petition with 104 signatures have been received making the following comments:

1. We the undersigned, object to the application;
2. We do not want or need another house in the area;
3. The house is over large and out of keeping, appearing as a massive monolithic block, when viewed from all angles;
4. It is cramped into one side of the site, and we are concerned he will ask for another on the other side if this gets the go ahead;
5. The site entrance would be dangerous, in an already hazardous part of the road which is indicated by the presence of double yellow lines to prevent parking;
6. The application describes the house as having a habitable roof space, and together with a fixed staircase will mean the number of bedrooms could be easily increased;
7. The proposal would detract from the amenity of the area for other residents;
8. For over 70 years people have bought houses here for the large sized gardens, privacy, feeling of open space and area of greenery to enjoy;
9. These suburbs were designed to provide a particular style of living, with owners agreeing to covenants that this should be maintained;
10. The example of this developer having built an over large dwelling on Rushdene Road, squeezed close to another house does not inspire confidence;
11. I am totally against this application and the many previous applications have all been dismissed;
12. The planning inspectorate has stated that a back land development on this site would not enhance the street scene;
13. The applicant only owns No.65 Lowlands Road and therefore would not be able to implement this proposal, as the remaining owners of the site do not wish to sell their land;
14. The roof design is not in-keeping with the street scene;
15. The inspector's report recommended pre-application discussions, this advice has not been heeded, and therefore this proposal is unsatisfactory;
16. This would be visible from all directions. Please could the height of the ridge and eaves of the dwelling be confirmed to be the same as the surrounding dwellings. Although, dormers and gables have not been included, the footprint from the previous application which was larger than the previous which was considered overly large for the area;
17. The single storey side element does not sit comfortably with the remainder of the building;
18. A tree report should be sought to ascertain any possible detriment to trees;
19. To shorten the gardens of the existing properties will result in the properties being out of keeping with the larger area;
20. We are concerned about the precedent this will set in relation to other properties in Abbotsbury Gardens;
21. The proposed crossover would facilitate easy and concealed access/escape routes for burglaries;
22. The development will impinge of the privacy of existing homeowners;
23. The development will cause unacceptable noise and vehicular pollution in existing homeowners;
24. Having a thoroughfare in homeowners back gardens poses a safety risk for young children;
25. The continual harassment by this developer is in breach of Section 1 of Article 8 of the European Human Rights Convention;
26. Baroness Andrews, Planning Minister stated, in the Daily Telegraph, that Planning Authorities have the ability to set local policies that protect gardens from developments and separate them from wider brownfield sites;
27. This application is blatant garden grab;
28. A two storey house so close to our rear boundary will change the light and ambiance of the garden;
29. I was told another application could not be made within 5 years, however we have been repeatedly harassed;
30. There is a covenant in place on the estate which the Council continually chooses to ignore;

31. The drawings are littered with mistakes and this is particularly worrying in view of the applicants other site at No 41 Rushdene Road;
32. The views from our upstairs windows would be spoilt;
33. The Sewerage system in the area is particularly bad;
34. The rear gardens of Lowlands and Abbotsbury Gardens provide a wildlife corridor and the development will reduce its benefit;
35. The services would need to be advanced;
36. It would spoil the look of the area;
37. The proposal is roughly twice the size of the adjacent properties;
38. It is unlikely to have a ground source heat pump and the siting for the plant for this has not been shown - if it is to be in the garage then an assessment needs to be made to check adequate room would still be available for a vehicle;
39. If approved permitted development rights should be removed;
40. This is not a case of a neighbour wanting to build an overbearing extension. it is a single minded developer wanting to make money at our expense;
41. The garage seems somewhat undersized and there is limited off street parking available;
42. We are concerned whether the developer can be trusted especially after the length of time taken to complete his other site on Rushdene Road (which is still not complete), and that the approved plans were not followed;
43. The law does not now permit the planting of a hedge near a boundary, due to loss of light, yet how can a three storey house be allowed;
44. Land drainage is extremely poor, and the sewerage system very old and not capable of efficient operation - this development will exacerbate these issues;
45. We do not agree that the development will visually assimilate into the street scene, due to its size and design. There is nothing that would match this development in size or ratio of a house size to this plot;
46. We would not allow access to our land if this development were to proceed;
47. We are concerned with regard to the residential density for the proposal and whether it meets to recommendations in the London Plan having had regard for the PTAL for the area, and if the loft area where to be used as a room this would influence the 106 payments requested for the development;
48. There is an area of land shown on the frontage, adjacent to the public footpath - it is not clear what this is for - if it is for parking it would be very difficult to access, in addition the proposed driveway at 4.8m is very short;
49. The bin store is not shown on the plans;
50. If finances allowed we would mount a legal challenge for infringing our Human Rights - Perhaps Hillingdon would like to mount a test case on behalf of Londons LA's. Surely there should be some sort of redress against this type of continual proposals;
51. A four bedroom house will result in more than a two car ownership and result in additional cars parking on the highway;
52. Please can the information supplied by the applicant be independently checked;
53. The amended drawings do not address the lack of information regarding the layout of the second floor, nor the amount of natural light to that area;
54. The building is squashed over to one side, 1m from the side boundary. Please can the following two points be taken into consideration when determining this application.
 - The SPD HDAS New Residential Layouts, Page 9, 4.9 Where a two or more storey building abuts a property or its garden adequate distance should be maintained to overcome possible over domination. The distance provided will be dependant on the bulk and size of the building, but generally, 15m will be the minimum accepted distance..... Therefore this dwelling should be much further away from the boundary with Abbotsbury Garden, taking into account that the footprint of this dwelling is approximately the same as one pair of average semi-detached houses on the Deane Estate. The Planning Inspector for the previous appeal was in agreement that the proposed dwelling was poorly placed.
 - The position of the driveway in relation to the bend in the road. The second application for this site was for 2 detached houses. The original plans showed the driveways in the same position as this

application. During the course of the determination of that application, to comply with comments from Mr. Adenegan Case Officer and Mr. Ranger Traffic Officer, the driveways were moved to the centre of the site, to comply with road safety. This information is contained in a letter from the Appellant to the Planning Inspectorate dated 25th November 2003. If there were objections to the positioning of the driveway on the second application, then this position cannot be acceptable for this current application;

55. The driveway and garage have been moved on this application to try to overcome habitable rooms being 1 metre from a close board fence, which was an objection by the Planning Inspector, but by so doing has made the position of the driveway un-acceptable, yet again.

John Wilkinson MP - No comments received

Cllr Baker - Is it possible we could use the law, to put a stop to the constant applications being submitted by this applicant. The application is for a single detached house, with no significant differences from the previous applications, all of which have been refused.

Internal Consultees

Highways Officer

In the appeal decision relating to application ref: 2005/1287 the Inspector concluded that an acceptable access with adequate visibility could be achieved and the proposal would not be detrimental to highway and pedestrian safety.

Provided the access as currently shown is reduced in width to 3.0 metres at the front boundary and a Condition requiring details of the cross over are submitted for the LPA's approval prior to the commencement of the development, no objections are raised on highway grounds.

Director of Education

On the basis of the creation of a 1x 8/9 room private house in Eastcote and East Ruislip, with no demolition, the requested amount is £15,492.

Tree/Landscape Officer

There are a few trees on and close to site, however, none of them are protected by TPO or CA designations, nor do they justify protection at this time.

As there are no new tree or landscaping issues introduced with the current scheme, the previous tree and landscape comments apply:

'The proposed scheme does not affect any trees protected by a TPO but there is scope for landscaping for this application. Subject to conditions TL5 and TL6, the scheme is acceptable and, in tree preservation and landscape terms, complies with policies BE38 of the Saved policies UDP'.

Waste and Recycling Officer

No commentary with respect of the design, however, they must have food waste grinders included as standard as part of the kitchen sink unit to allow residents to indirectly recycle their food wastes by grinding it and washing it down into the waste water system for composting by the relevant water company. In addition the dwelling should incorporate in their design storage provision for an average of 2 bags of recycling and two bags of refuse per week plus 3 garden waste bags every 2 weeks.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy BE13 of the Adopted Hillingdon UDP (Saved Polices, September 2007) states that

development will not be permitted if the layout and appearance fail to harmonise with the existing street scene, and BE19 states the LPA will seek to ensure that new development within residential areas compliments or improves the amenity and character of the area.

The adopted Supplementary Planning Document (SPD): Residential Layouts: Section 3.4 states this type of development must seek to enhance the character of the area. Section 4.10 of the SPD explains careful consideration should be given to the height of new buildings and the surrounding building lines, as a general rule the front and rear building lines should be a guide for the siting of new dwellings.

Policy H12 states Proposals for tandem development of backland 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 UDP. It is also specified that a proper means of access is required. There is therefore no objection to this development subject to the proposal satisfying Policy H12 and other policies in the UDP (Saved Policies, September 2007).

The previous application was tested at appeal (56032/APP/2008/2417), and the inspector commented that during the course of the previous appeals certain principles had been established relating to the site, as follows:

- a) The site is suitable to accommodate development of the general scale proposed;
- b) The separation between the proposed dwelling and others in the area would prevent any undue dominance or disturbance;
- c) It is possible to design the development to prevent overlooking;
- d) A safe and workable access can be achieved;
- e) The character of the area is not formed by the widespread presence of dormer windows;
- f) Whilst imaginative design should be encouraged, this should not be at the expense of living conditions of occupiers;
- g) The backland location is a sensitive one, particularly with regard to the effect of the roof on the character of the area;
- h) The area is not designated for its special character.

Given that there has been acceptance by Inspectors that the site is suitable for residential development, the principle of a new dwelling in this location is considered acceptable.

7.02 Density of the proposed development

The scheme would have a residential density which equates to approximately 145 habitable rooms per hectare (hrpha). Whilst this would be marginally 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

This is not applicable to this application

7.04 Airport safeguarding

This is not applicable to this application

7.05 Impact on the green belt

This is not applicable to this application

7.06 Environmental Impact

This is 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 within the immediate vicinity of the application site are semi-detached there are also detached properties on this Estate. The properties are situated on large plots of land and generally have long gardens. The houses are set back from the road frontage by approximately 8 metres to establish building lines. The area therefore has an open character and appearance.

With regard to design, Policy BE22 states development of two or more stories should be set away a minimum of 1 metre from the side boundary for the full height of the building. This is to protect the character and appearance of the street scene and the gaps between properties. The proposal would comply with this advice as the proposed dwelling would be set in 1m from the northern boundary of the site. Whilst it was considered in the previous appeal that due to the proposal being pushed over to one side of the site, it resulted in a cramped appearance against one boundary, the applicant has revised the scheme to show the '2m high close boarded fence' to remain on the front boundary of the side garden land. With the front garden and 0.6m front boundary wall with vehicular access occupying only the area directly in front of the proposed dwelling, to give the visual appearance of the proposal being centrally sited in the open frontage. Furthermore, the Inspector in the previous appeal proposal (ref 56032/APP/2008/2417), in relation to this issue stated:

"Many representations made in the appeal consider that the closeness of the proposal to the boundary would lead to a cramped design. Whilst I agree that this would be the case, it seems to me that the principal objection to the proposal is its overall bulk when seen from the south east and the fussiness of the design. A smaller scale dwelling could sit more comfortably within the space available, but it is the shortcomings in the design of the appeal proposal have led me to dismiss the appeal. None of the many other objections which have been made alter my conclusions."

As stated above, the Inspector concluded that the principle objection was the proposals overall bulk when viewed from the south east and the fussiness of the design. On the design the Inspector commented:

"It appears to me that the architect of the appeal proposal has failed to understand the importance of the context. Whilst studiously achieving many of the parameters of height, depth and roof pitch which make up local character, there has been a failure to maintain the simplicity of approach. This to my mind is of fundamental importance because of the scale of the building proposed, but would be important in any building. The design employs some features which are redolent of nearby dwellings, but the differences in wall treatment, division of windows, and the variety in scale of dormer windows, gables and roof lights neglect the need identified by my colleague to avoid irregularity and cumbersome scale. I accept that some features could be precluded by planning condition, but it is not possible to carry out the redesign necessary in a planning appeal decision."

The revised scheme has now been reduced in depth to 12.5m (2-storey element), with the roof of the single storey side at 3.4m in height. It is proposed to finish the dwelling with a simple hipped roof that would be in-keeping with the design characteristics of the surrounding properties and the dormer windows and gables no longer form part of the

proposal. The design approach has thus been simplified and is no longer considered to be irregular or cumbersome.

Section 4.10 of the SPD states careful consideration should be given to the height of new buildings and the surrounding building lines, as a general rule the front and rear building lines should be a guide for the siting of new dwellings. The plans submitted indicate the proposed new dwelling would have a ridge line at 8.8m, and an eaves height of 5.5m. A survey plan of No.65 Lowlands Road has been produced and shows this property to have a ridge height of 9.12m and an eaves height of 5.74m. The proposed dwelling would therefore, be lower than this existing property, by 0.32m at ridge height and 0.24m at eave height. As such the proposal would not be considered to be over-dominant in relation to the surrounding properties.

It is considered that 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 Polices September 2007) and Policies contained the HDAS Supplementary Planning Document: Residential Layouts.

7.08 Impact on neighbours

With regard to the impact of the amenities on the adjoining occupiers, Sections 4.9 of the SPD: Residential Layouts, in relation to new dwellings, states all residential developments and amenity space should receive adequate daylight and sunlight, including habitable rooms and kitchens. The daylight and sunlight available to adjoining properties should be adequately protected. Where a two or more storey building abuts a property or its garden, adequate distance should be maintained to overcome possible over-domination, and 15m will be the minimum acceptable distance. In this case the flank wall of the proposed house would be situated 26m from the rear 63, 65 and 67 Lowlands Road and 34m from properties in Abbotsbury Gardens. Taking into consideration these distances the proposal is not considered to be overdominant, or result in overshadowing of adjoining properties.

The bend in Lowlands Road enables the proposed house to be accessed from a separate entrance to those serving existing properties in Lowlands Road. This access is situated some 30m from the rear of No.61 and the proposed additional house is unlikely to give rise to an increase in pollution, noise and disturbance to adjoining properties to justify refusal.

The Inspector in the appeal decision dismissing application 56032/APP/2007/1287 (April 2007) stated:-

"The separation distances between the facing elevations of the existing elevations and that which is proposed are such that there would not be any significant loss of residential amenity whether by virtue of loss of light or harm to the outlook of existing occupiers."

The proposal would therefore comply with Policies BE20, BE21 and OE1 of the UDP (Saved Polices September 2007).

With regard to privacy, the design guide requires that a minimum distance of 21m between habitable room windows and private garden areas is provided in order to protect privacy. The windows proposed in the first floor flank elevations facing Lowlands Road and Abbotsbury Gardens are either secondary windows or are to non-habitable rooms and are conditioned to be obscure glazed and non-opening below top vent. Furthermore, the distance of the proposed house from the private garden areas of properties on Lowlands

Road and Abbotsbury Gardens would be in excess of 21m. With regard to roof windows, amended plans have now been received which show the removal of the roof window in the elevation facing 63-67 Lowlands Road, and the remaining roof windows in the rear elevation and the side elevation facing the properties in Abbotsbury Gardens have been re-positioned to have an internal sill height of 1.8m so that no vantage could be gained from these windows. Therefore subject to appropriate conditions controlling the insertion of further windows and obscure glazing the proposal is considered to accord with Policy BE24 of the UDP (Saved Policies September 2007).

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 200m² (not including the integral garage). The SPD states the minimum amount of floor space required for a 5-bedroom house would be 108m² 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 4+ bed house should have a minimum garden space of 100m², and the development would comply with this advice, with a rear usable garden area over 400m². 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 100m². Therefore the proposal would comply with this advice and with Policy BE23 of the Hillingdon UDP (Saved Policies, September 2007).

7.10 Traffic impact, car/cycle parking, pedestrian safety

Highway safety issues were considered by the previous inspector's decision in relation to application 56032/APP/2005/1287, for a four bedroom house on this site, and whilst the vehicular access point for the current scheme has been re-sited further towards boundary, it is not considered to result in a material alteration to highway issues and as such these previous comments are still considered relevant and stated:

"Whilst I note that vehicles would have to either reverse into or out of the driveway to the proposed dwelling, this arrangement is typical of many residential properties. I therefore conclude that acceptable access with adequate visibility in both directions would be achieved. I also note that the Council's Highway Engineer raised no concerns in relation to the proposed access. In light of the above and given that one extra dwelling would not significantly add to existing traffic flows I conclude that the proposal would not be detrimental to pedestrian and highway safety."

Therefore the proposal is considered to comply with Policies AM7 and AM14 of the Hillingdon UDP (Saved Policies, September 2007).

7.11 Urban design, access and security

See Section 7.07

7.12 Disabled access

Disabled access will be provided at ground floor via a level threshold and there would be a wheelchair accessible WC on the ground floor. This is considered to satisfy Lifetime Homes standards. Therefore the proposal would comply with Policy 3A.4 of the London Plan and the Council's HDAS: Accessible Hillingdon.

7.13 Provision of affordable & special needs housing

This is not applicable to this application

7.14 Trees, Landscaping and Ecology

The Council's Trees and Landscape Section have been consulted on the application and consider that whilst there are a few trees on and close to site, none of them are protected by TPO or Conservation Area designations, nor do they justify protection at this time. However, it is considered that there is scope for additional landscaping and thus conditions requiring this are recommended.

Therefore the scheme is considered acceptable in landscape terms and would comply with policy BE38 of the Hillingdon Unitary Development Plan (Saved Polices, September 2007).

7.15 Sustainable waste management

Section 4.40 - 4.41 of the SPD: Residential layouts deals with waste management and specifies bin stores should be provided for, and wheelie bin stores should not be further than 9m from the edge of the highway. No details have been provided in this respect. However, the waste and recycling officer was consulted and recommended that food waste grinders should be included as standard as part of the kitchen sink unit, and the dwelling should incorporate in their design adequate storage provision refuse and recycling. Therefore if members wish to approve this application it is considered these matters could be dealt with by way of a condition/informative.

7.16 Renewable energy / Sustainability

It is considered that all the proposed habitable rooms would have an adequate outlook and source of natural light, and therefore comply with the SPD: Residential Layouts: Section 4.9 and Policy 4A.3 of the London Plan (2008).

7.17 Flooding or Drainage Issues

The proposal is not within a flood plain, however, a number of concerns from local residents have been raised with regard to the existing sewerage system in the locality and land drainage problems. This matter was considered by a previous inspector's decision in relation to application 56032/APP/2005/1287 (April 2007), for a four bedroom house on this site. The conclusion was drawn that these matters could be adequately dealt with by way of appropriate planning condition requiring the submission of suitable schemes for approval by the Local Planning Authority. As such, if members wish to approve this application it is recommended the above approach is taken to deal with this issue.

7.18 Noise or Air Quality Issues

This is not applicable to this application

7.19 Comments on Public Consultations

The following points raised are not material to the planning consideration of this application; 2, 9, 10, 13, 15, 25, 27, 29, 30, 32, 40, 42, 46 and 50. With regard to the other points;

6 and 53 - The roof space has now been clarified and is now shown as a study

16 and 52 - A survey drawing has been received of No.65 Lowlands Road, which shows the proposal to be lower than this property, this drawing was prepared by an independent company and has been checked by officers.

18 - Tree and landscape advice has been sought from internal landscape officers and is included in this report.

21 - The inspectors' decision in relation to application 56032/APP/2005/1287, for a four bedroom house on this site, stated 'I do not consider that the erection of a property on this site would pose a security risk.'

26 - Baroness Andrews, Planning Ministers statement published in the Daily Telegraph. Whilst, yes it is correct that Planning Authorities have the ability to set local policies that protect gardens from developments and separate them from wider brownfield sites the London Borough of Hillingdon does not currently have such a policy and therefore this

application is required to be assessed against the currently adopted policies and guidance which would not preclude a development of this nature.

31 - Revised drawings have been received to address omissions/errors in the originally submitted plans.

34 - The inspectors' decision in relation to application 56032/APP/2005/1287, for a four bedroom house on this site, stated 'I do not consider that the erection of a property on this site would be detrimental to local wildlife given the limited scale of the proposal.'

38 - The internal dimensions of the garage exceed the minimum requirements and the plan for the Ground Source Heating System is shown in the garage area.

43 - The law does not prohibit the planting of hedges adjacent to boundaries, but provides redress if these then become a nuisance.

48 - The area on the frontage adjacent to the footpath would be a front garden, and the footprint of the proposed dwelling has now been sited further back in the site to allow for a 5.7m driveway.

The remaining points are addressed in the full report.

7.20 Planning Obligations

Presently S106 contributions for education are only sought for developments if the net gain of habitable rooms exceeds six. This proposal shows the creation of a private house with a net gain of 10 rooms and therefore the Director of Education has suggested a contribution of £15,492 would be appropriate for this development, towards Nursery, Primary, Secondary and Post-16 education facilities in the Eastcote and East Ruislip Ward.

7.21 Expediency of enforcement action

This is 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

The proposal is not considered to detract from the visual amenities of the street scene or the amenities of adjoining residents. It provides a satisfactory form of accommodation for future residents and would not prejudice highway and pedestrian safety. The proposal is considered to satisfy the relevant policies of the UDP (Saved Policies September 2007). As such approval is recommended.

11. Reference Documents

Hillingdon Unitary Development Plan Saved Policies September 2007
HDAS: Residential Layouts: July 2006
The London Plan (2008)
Supplementary Planning Guidance: Educational Facilities

Contact Officer: Catherine Hems

Telephone No: 01895 250230



Appeal Decision

Site visit made on 3 March 2009

by **David Ward** BSc(HONS) CEng MICE
FIHT

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
3 April 2009

Appeal Ref: APP/R5510/A/08/2089531

Land to the rear and forming part of 63,65 and 67 Lowlands Road, Eastcote, HA5 1TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Tarlochan Ghataorhe against the Council of the London Borough of Hillingdon.
- The application Ref 56032/APP/2008/2417, is dated 14 August 2008.
- The development proposed is the development of a four bedroom detached house with integral garage and off street parking with new and independent cross over from Lowlands Road.

Decision

1. The appeal is dismissed.

Site history

2. A report by the Council sets out the results of 5 applications for development on this site, or one approximating to it. All were refused. Three of these refusals were appealed¹, all of which were dismissed. During the course of the appeals certain principles have been established relating to the site, as follows:
 - (a) the site is suitable to accommodate development of the general scale proposed;
 - (b) the separation between the proposed dwelling and others in the area would prevent any undue dominance or disturbance;
 - (c) it is possible to design to preclude overlooking;
 - (d) a safe and workable access can be achieved
 - (e) the character of the area is not formed by the widespread presence of dormer windows.
 - (f) whilst imaginative design should be encouraged, this should not be at the expense of the living conditions of occupiers
 - (g) the backland location is a sensitive one, particularly with regard to the effect of the roof on the character of the area.
 - (h) the area is not designated for its special character.

¹ APP/R5510/A/04/1156854 22 February 2005; APP/R5510/A/05/1176150 13 July 2005; APP/R5510/A/06/20298089 19 April 2007

Reasons

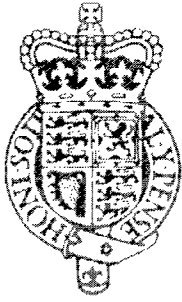
3. I do not propose to make an exhaustive comparison between the appeal proposal and those considered earlier. Nor have I carried out an examination of other developments in the wider locality, since their contexts are different, and they may or may not be examples of the high quality development which the Government now seeks. This proposal has to be acceptable on its own merits, in the light of local policies and any other material considerations. The first considerations which I apply are those which I have set out above.
4. The Council, whilst not having determined the application before the appeal was made, nevertheless gave it a full consideration, taking into account the history, and concluded that permission should be refused for three reasons which I summarise as the development being sited, and having a design, size and bulk out of scale and being visually over dominant in a backland position, detrimental to the character and visual amenity of the locality; that the closeness of the dining room to the boundary would lead to a poor environment for the occupiers of the dwelling; and that no contribution has been secured towards the provision of school places.
5. It is clear that the last is not being pursued. The first reason for refusal relates to one main consideration – that the immediately preceding Inspector considered that the large expanse of roof would appear bulky and imposing; and that the irregular shaped roof coupled with the irregular fenestration would make the dwelling appear cumbersome and out of keeping. It would be a discordant feature, in stark contrast to the simplicity of the existing dwellings. This consideration is the first issue I address.
6. The proposed dwelling would be most readily visible from the north east, where a frontal view would present itself along Lowlands Road, and from the south east, where the view would be oblique, taking in the front and deep side elevation at once. The principal context for the development would be the openness of the rear gardens of Lowlands Road, and of dwellings in Abbotsbury Gardens, whose rear gardens end at Lowlands Road in front of the site. The eye also takes in Nos 65 and 67 Lowlands Road, which are simple buildings with hipped roofs, and white painted rendered walls. Windows reflect that simplicity. Rear offshoots at ground floor level only have sloping roofs. No 67 has an extension over its garage, which reflects the simplicity of the original design. Approaching from the north east the flank of No 82, and the frontage of properties on this part of Lowlands Road provide further context. These are brick built dwellings, more opulent in design, with substantial overhanging hipped gables to rounded bay windows. There are occasional shallow dormers, again with hipped roofs. However, I agree with my colleague that the simpler dwellings are the principal built feature, and that this site is a sensitive one.
7. It appears to me that the architect of the appeal proposal has failed to understand the importance of the context. Whilst studiously achieving many of the parameters of height, depth and roof pitch which make up local character, there has been a failure to maintain the simplicity of approach. This to my mind is of fundamental importance because of the scale of the building proposed, but would be important in any building. The design employs some features which are redolent of nearby dwellings, but the differences in wall treatment, division of windows, and the variety in scale of dormer windows,

gables and roof lights neglect the need identified by my colleague to avoid irregularity and cumbersome scale. I accept that some features could be precluded by planning condition, but it is not possible to carry out the redesign necessary in a planning appeal decision.

8. The Council's second objection relates to the closeness of the dining room window to the boundary fence. One of my colleagues identified the need for a balance between the ability of an architect to produce imaginative design, and the need to provide good living conditions. This is not such a balance, since this part of the design is ordinary. It proposes a dining room window on the north west flank of the dwelling slightly more than 1m from the boundary fence. A 2m boarded fence is shown, and it is to be expected that residents of the adjacent properties would maintain or plant screening, since they object to the proposal. The probability is that this room would be gloomy in winter. The requirements for lighting would be increased, depending upon the use of the room. Unnecessary energy use would run counter to the need for sustainable development. Given the requirements to use low consumption light sources, and the comparatively low energy use for light in a room such as this, which may be used for perhaps two hours in an evening, I do not consider that the undoubted conflict with the policies of the London Plan would be so great as to dictate refusal. The Appellant's offer to remove the intervening wall between the lounge and the dining room would improve the access of light, although this would be limited by the northerly aspect of the lounge and the depth of the room.
9. Many representations made in the appeal consider that the closeness of the proposal to the boundary would lead to a cramped design. Whilst I agree that this would be the case, it seems to me that the principal objection to the proposal is its overall bulk when seen from the south east and the fussiness of the design. A smaller scale dwelling could sit more comfortably within the space available, but it is the shortcomings in the design of the appeal proposal have led me to dismiss the appeal. None of the many other objections which have been made alter my conclusions.
10. PPS1 advises of the critical importance of pre-application discussions, and that Local Planning Authorities and applicants should take a positive attitude towards early engagement in pre-application discussions. It appears to me that this advice has not been sufficiently heeded. Iteration of design through appeal is unsatisfactory, and leads to unnecessary public disquiet. I commend the Government's advice in this instance.

David Ward

Inspector



Appeal Decision

Site visit made on 13 March 2007

by **Karen L Ridge LLB (Hons)**

an Inspector appointed by the Secretary of State for
Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date: 19 April 2007

Appeal Ref: APP/R5510/A/06/2029089

Land to the rear of 63, 65 and 67 Lowlands Road, Eastcote, Middlesex HA5 1TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr T S Ghataorhe against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 56032/APP/2005/1287, dated 18 April 2005, was refused by notice dated 21 April 2006.
- The development proposed is the erection of 1 no. four bedroom detached house with integral garage and off-street parking.

Summary of Decision: The appeal is dismissed.

Main Issues

1. I consider that there are two main issues in this case, namely;
 - (i) the effect of the proposed dwelling on the character and appearance of the surrounding area, and
 - (ii) the effect of the proposed dwelling on pedestrian and highway safety.

Planning Policy

2. The development plan for the area includes the Hillingdon Unitary Development Plan (UDP) which was adopted in 1998. Policies BE13 and BE19 seek to ensure that new development harmonises with and complements the existing area. Policy H12 provides that backland development in residential areas will only be permitted if it does not cause disturbance or loss of privacy. UDP policy AM7 aims to prevent development which would prejudice highway or pedestrian safety.
3. In addition I have had regard to the principles of good design enunciated in Planning Policy Statement 1- *Delivering Sustainable Development* (PPS 1) and the imperative to make more efficient use of land contained within Planning Policy Statement 3- *Housing* (PPS 3).

Reasons

Effect on the character and appearance of the surrounding area

4. The appeal site comprises part of the rear gardens of three properties on Lowlands Road. The site has been the subject of previous applications and two separate appeal decisions relating to different proposals. The proposal which led to this appeal sought to address the concerns of a previous Inspector. In making my decision I have had regard to both of the previous appeal decisions.
-

5. Lowlands Road is an attractive 1930s residential street with an S shaped bend after no. 67 which is the point from where access to the site would be taken. The properties on Lowlands Road comprise uniform semi-detached dwellings which are modest properties with simple rooflines. The new dwelling would be located in a prominent position and would form part of the Lowlands Road streetscene. Whilst the appeal site is large enough to accommodate a dwelling, due to the visible location and the existing quality of the surrounding area, it is important that any new dwelling is visually assimilated into the streetscene.
6. Whilst the number of ridges, dormer and skylight windows in the roof have been reduced, the roofscape remains relatively complex in contrast to the more modest properties which would surround it. This would be particularly apparent in relation to the south eastern elevation which would be highly visible when rounding the bend in Lowlands Road and from vantage points between the houses and from within gardens. This south eastern elevation would be some 15m long with a large expanse of roof which would appear bulky and visually imposing. The irregular shaped roof coupled with the irregular fenestration on this elevation, would make the dwelling appear cumbersome and out of keeping. I consider that it would be a discordant feature, in stark contrast to the simplicity of the existing dwellings.
7. As a result of the foregoing, I conclude that the proposed dwelling would not be readily assimilated into the existing streetscene. It would be detrimental to the character and appearance of the surrounding area and therefore contrary to UDP policies BE13 and BE19.

Effect on pedestrian and highway safety

8. I have paid careful regard to the numerous representations regarding concerns about highway and pedestrian safety. I am aware of the location of the nearby primary school and have seen representations regarding parking on this part of Lowlands Road and the congestion which occurs at the beginning and end of the school day. I have also seen the traffic surveys which have been carried out. I consider it unlikely that highway users would park their cars so as to obstruct the access to the proposed property. Whilst I note that vehicles would have to either reverse into or out of the driveway to the proposed dwelling, this is an arrangement which is typical of many residential properties. I therefore conclude that acceptable access with adequate visibility in both directions could be achieved.
9. I also note that the Council's Highway Engineer raised no concerns in relation to the proposed access. In light of the above and given that one extra dwelling would not significantly add to existing traffic flows I conclude that the proposal would not be detrimental to pedestrian and highway safety. I therefore conclude that the proposal would be in conformity with UDP policy AM7.

Other Matters

10. A number of other concerns have been raised by third parties, which include comments about the disruption caused by the construction, by the appellant, of another property at 41 Rushdene Road. This is not a matter which is material to my consideration of this appeal. In the event that I was minded to allow the appeal, I consider that concerns regarding the sewerage system and drainage provision could be dealt with by appropriate conditions requiring the submission of suitable schemes for approval.

11. I do not consider that the erection of a property on this site would pose a security risk or would be detrimental to local wildlife given the limited scale of the proposal. The question of any restrictive covenants is a separate legal matter which is not material to my deliberations. The Town and Country Planning legislation permits planning applications on land by someone other than the existing owner. The Council have accepted the proposal on the basis made and there is no suggestion that it is an attempt to circumvent policies which would require payment of monies under a section 106 obligation.
12. The proposed dwelling would be sited about 1m from the boundary with nos. 100 and 102 Abbotsbury Gardens. However, I consider that the separation distances between the facing elevations of these existing properties and that which is proposed, are such that there would not be any significant loss of residential amenity either by virtue of loss of light or harm to the outlook of existing occupiers. The obscure glazing of first floor windows could be conditioned so as to protect the privacy of existing occupiers.

Conclusions

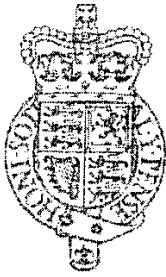
13. I have taken into account all other matters raised, including the previous recommendation by the Council for approval. Whilst I have found in favour in relation to the proposal on highway safety issues and in relation to a number of other matters raised I consider that the harm which would be caused to the character and appearance of the surrounding area is overriding. Since there are no conditions which could overcome the harm to the streetscene, the appeal must be dismissed.

Formal Decision

14. I dismiss the appeal.

Karen L. Ridge

INSPECTOR



Appeal Decision

Site visit made on 15 June 2005

by **C J Leigh** BSc(Hons) MPhil MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
email: enquiries@planning-
inspectorate.gsi.gov.uk

Date 13 JUL 2005

Appeal Ref: APP/R5510/A/05/1176150

Land rear of 63, 65 & 67 Lowlands Road, Eastcote, Pinner, Middlesex, HA5 1TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr T S Ghataorhe against the decision of the Council of the London Borough of Hillingdon.
- The application ref: 56032/APP/2004/3302, dated 6 December 2004, was refused by notice dated 31 January 2005.
- The development proposed is the erection of a four bedroom detached house with integral garage.

Formal Decision

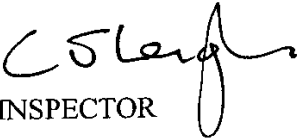
1. I dismiss the appeal.

Reasons for Decision

2. The appeal site has been the subject of a number of proposals for residential development in the past, most recently an appeal for one house that was dismissed in February 2005 (ref. APP/R5510/A/04/1156854). In his decision, the Inspector commented that the general height and siting of the house on the land would retain the overall open character of the locality. I come to similar conclusions with regards to the scheme before me: sufficient distance would be retained to the site boundaries and to other buildings in the area to ensure a cramped form would not result.
3. The previous Inspector did, though, find that the proposed roof was bulky and complex. Although evidently modified from the previous scheme, I come to similar conclusions with the current appeal. The footprint of the proposed dwelling is relatively complex and large. As a result, there still remains multiple hips in the roof form and this is combined with a central flat roof, which appears to me to have been incorporated to reconcile the use of extensive roof slopes and hips over the large building. There is also a substantial dormer on the front elevation which, as the Council points out, dominates the front roof slope, particularly due to the small distance retained to the ridge height. Eight rooflights are proposed in the property to serve what would clearly be further accommodation within the attic space. In my view, this creates a cluttered appearance to the roof slopes.
4. I saw at my site visit that the existing properties in this suburban area are relatively modest and are simple in form, with simple hipped roofs. In my opinion, the bulk of the proposed dwelling and its associated complex and cluttered roof form would represent an unacceptable contrast to this character in a particularly visible location. This would be contrary to the objectives of Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan 1998.
5. I note objections regarding overlooking of adjoining properties. The submitted plans show that on the side elevations the windows above the level of proposed new fencing would be obscure glazed or would be rooflights. I consider these measures sufficient to protect

privacy. Similarly, I consider the length of the proposed rear garden to be adequate to ensure no undue overlooking to the west, and the distance retained to existing properties to the east would also be adequate to protect privacy. Although views from existing houses would change as a result of the proposed development, I concur with the previous Inspector that the development would be far enough away to ensure there would be no undue disturbance or over-dominant effect.

6. Comments have been made as to the effect of the proposal on highway safety in the area. The proposal would meet the Council's requirements regarding parking provision and access. Although it is evident to me from representations that Lowlands Road can be busy at times, in my opinion the access to the site would be satisfactory for the additional traffic generated by one house. The similar comments by the previous Inspector and the Highways Authority lend weight to such an opinion.
7. Although I have found in favour of the appeal in several respects, it is my overall conclusion that the earlier harm I have identified is sufficient to withhold planning permission. I have dismissed the appeal accordingly.


INSPECTOR

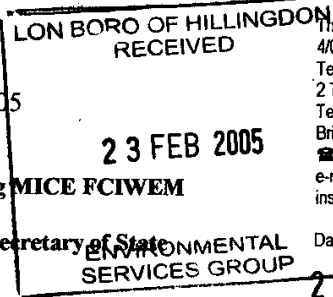


Appeal Decision

Site visit made on 8 February 2005

by **M A Hillyer BSc MSc CEng MICE FCIWEM**

an Inspector appointed by the First Secretary of State



The Planning Inspectorate
409 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date
22 FEB 2005

Appeal Reference: APP/R5510/A/04/1156854

Land to the rear of 63, 65 and 67 Lowlands Road, Eastcote, Pinner, Middlesex HA5 1TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr T S Ghataorhe against the decision of the Council of the London Borough of Hillingdon.
- The application Reference 56032/APP/2004/976, dated 1 April 2004, was refused by notice dated 13 July 2004.
- The development proposed is described as the erection of 1 No. five bedroom detached house with footprint of 24% of plot size.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. In the interests of clarification I confirm that the written statements submitted for the appeal contain many references to procedures for dealing with planning applications and the Council's handling of this and previous applications. These are not matters for my consideration, and I shall make my determination on that basis.

Main Issues

2. From my reading of the written representations and inspection of the site and its surroundings, I consider that there two main issues in this appeal. The first is the effect of the proposed development on the character and appearance of the surrounding area, and the second is the effect on the living conditions of adjacent occupiers, particularly those in Nos. 96 to 104 Abbotsbury Gardens, with regard to visual impact and privacy.

Planning Policy Context

3. The development plan for the area is the Hillingdon Unitary Development Plan 1998 (UDP). Policy Part 1.10 of the UDP states that development will not adversely affect the amenity and character of residential areas. UDP Policy BE19 says that development must complement or improve the amenity and character of residential areas. UDP Policy H12 explains that tandem or backland residential development will only be permitted if there is no undue disturbance or loss of privacy to adjoining occupiers. Supplementary Planning Guidance (SPG) is available in the form of the Council's 1999 design guide-*Residential Layouts and House Design*. Planning Policy Guidance (PPG) 3-*Housing* sets out the government's objectives of making more efficient use of land for housing without compromising the environment. The recently published Planning Policy Statement (PPS) 1-*Delivering Sustainable Development* sets out key principles for development planning.

Consideration

4. The site is part of the rear gardens of Nos. 63, 65 and 67 Lowlands Road. It is an element of a 1930s suburban residential area with spacious frontages and large open back gardens dotted with trees and boundary plantings. House types are varied, with short terraces as well as detached and semi-detached dwellings, and the area retains its original character, including the predominance of unmodified hipped roofs.

The First Issue

5. The development would replace garden land with a five-bedroom house on three levels, a surrounding garden area and an access onto Lowlands Road. The mass of the building up to eaves level and the overall height would be little different to that of nearby built forms of semis and terraces. The development would be far enough away from existing dwellings to ensure that it would not appear cramped and the front and side separation distances would be no less than exist elsewhere in the vicinity. The remaining openness would be sufficient to retain that element of the character of the locality.
6. The roof of the dwelling would appear bulky and complex, in contrast to, and not in keeping with, existing roofs in the area. Because of the footprint of the building the roof would have multiple hips, and the contrast would be intensified in particular by the large rear dormer with its uncomplementary flat roof, and by the seven roof lights. PPS 1 states that Councils, while not attempting to impose architectural styles or tastes on developers, should seek to promote or reinforce local distinctiveness, and the development would not achieve this in the context of its roof forms and fenestration. The roof would be clearly visible from a number of angles in Lowlands Road and from many private viewpoints across rear gardens, to the extent that it would appear unacceptably out of keeping in what is a sensitive part-backland location.
7. I saw on my site visit that there are examples of rear roof dormers in the vicinity, but not to the extent that they influence the area's character. They are not a good reason for allowing an unacceptable development. I also saw a rear garden development nearby in The Link similar to the proposal, but each case must be considered on its merits. I conclude on balance on this issue that the proposed development would harm the character and appearance of the surrounding area and would conflict with UDP Policies Part 1.10 and BE19 in this respect.

The Second Issue

8. With regard to the matter of privacy, windows in the new house facing northwards would be set below the top level of a close boarded fence, or would be obscure glazed, or would be roof lights facing skywards. There would therefore be no lines of sight from these windows towards houses or gardens in Abbotsbury Road, and therefore no overlooking. The separation distances between properties in clear window views from other vantage points within the development would ensure no intrusion of privacy.
9. On the matter of visual impact, the development would be clearly visible from the houses and gardens of Abbotsbury Road, and also from properties in Lowlands Road. The development would change views in the area but there is no right to a view, and the development would be far enough away from adjacent houses and garden areas to ensure that it would not cause undue disturbance, dominate views or result in unacceptably

overbearing conditions. There is an element of plant screening in some of the Abbotsbury gardens and occupiers would have the potential to increase that if they wished. I conclude on this issue that the proposed development would not be harmful to the living conditions of adjacent occupiers, there would be no undue disturbance, and it would comply in this respect with UDP Policies Part 1.10, BE19 and H12.

Other Matters

10. In other representations concern has been expressed regarding highway safety and congestion. The proposal would meet the requirements for on-site parking and acceptable access and highway visibility could be secured. The development would not increase local traffic flow significantly, there being only one dwelling unit. There are no traffic restrictions in the immediate vicinity of the site and the highway authority has not objected to the development. I consider that there would be no harm in respect of highway matters.
11. Matters relating to construction details, local covenants and drainage details are best dealt with by legislation other than the Town & Country Planning Act 1990. There are no proposals for development of the site to be considered at the present time by anyone other than those of the Appellant.
12. I note that the dormer window facing west, in the roof, would be obscure glazed. This would provide light to a bedroom but that room would have no clear-glazed vertical windows. In my view that would be a strain on the living conditions of the occupiers of the room. Paragraph 54 of PPG 3 indicates that developers should be afforded some latitude in their design and layout details, and imaginative design should be encouraged, but that should not be at the expense of living conditions or the quality of the environment. I believe that this design detail, although not significantly harmful or a reason on its own for refusal of permission, would be detrimental to the living conditions of the new occupiers.

Conclusions

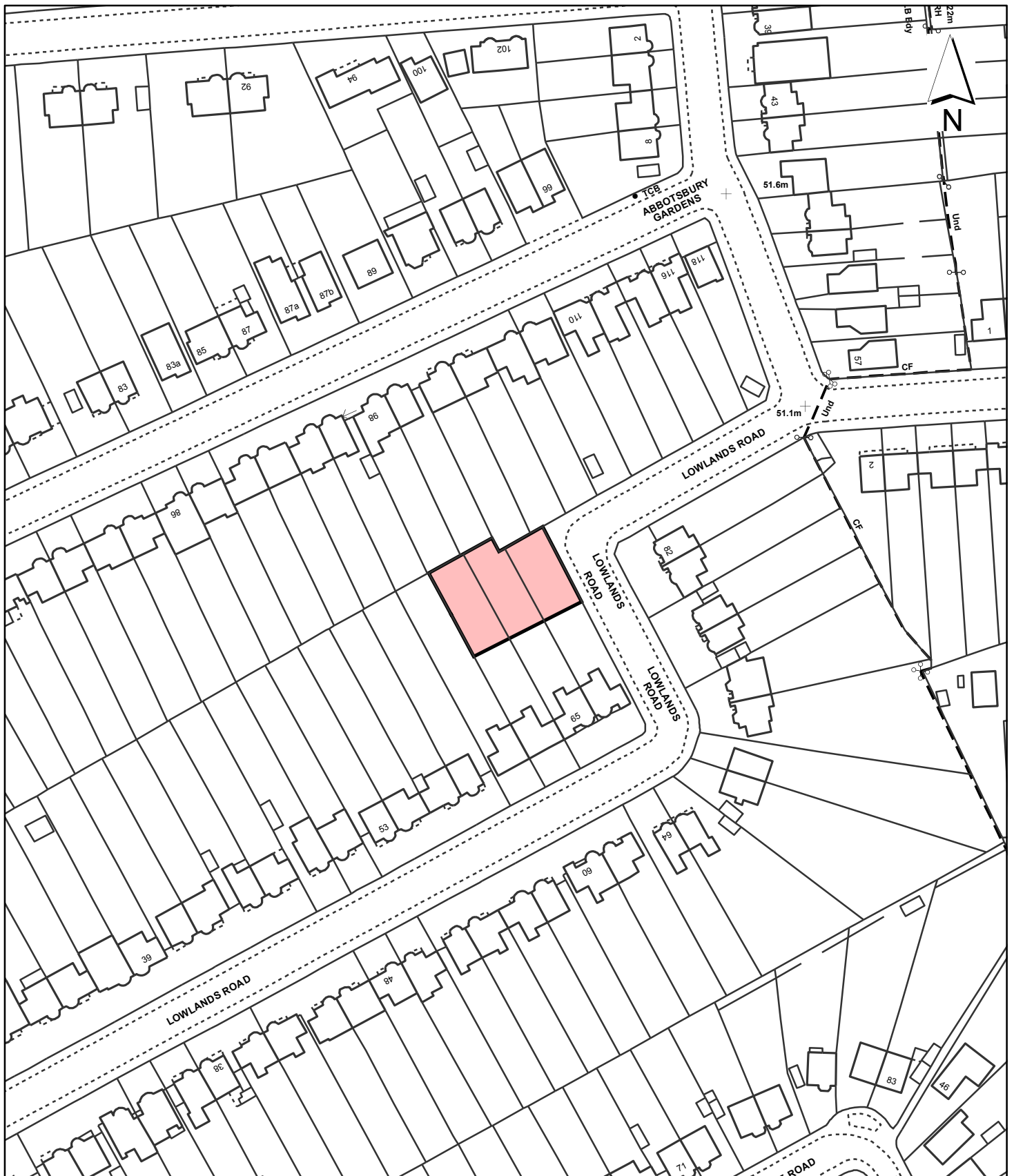
13. Drawing together my findings in this appeal, I conclude that the development would result in no harm in relation to the Second Issue and no significant harm in relation to Other Matters, but this does not outweigh the harm identified in the First Issue. I have considered the conditions suggested by the Council but imposition of any or all of these would not be sufficient to allow the grant of permission. I have taken into account all other matters raised in the written representations, including the recommendation of approval of the proposal by Council officers, but none is sufficient to override the considerations which have led to my decision.

Formal Decision


14. In exercise of the powers transferred to me I dismiss the appeal.

Michael A. Hillier

INSPECTOR.



Notes

 Site boundary

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Site Address

**Land at rear and forming part of
63, 65, 67 Lowlands Road
Eastcote**

Planning Application Ref:
56032/APP/2009/967

Planning Committee
North

Scale
1:1,250

Date
September 2009

**LONDON BOROUGH
OF HILLINGDON
Planning &
Community Services**

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



HILLINGDON
LONDON