

Report of the Head of Planning, Sport and Green Spaces

Address R/O 57-59A EXMOUTH ROAD FRONTING SHALDON DRIVE RUISLIP

Development: Two storey, 2-bed, detached dwelling with associated parking and amenity space, installation of vehicular crossover and cycle store

LBH Ref Nos: 16124/APP/2014/2943

Drawing Nos: 13/3297/11
13/3297/12
Tree Constraints Plan
Arboricultural Survey
design and access statement with appendix
Location Plan
13/3297/10 Rev A
13/3297/9 Rev B

Date Plans Received: 18/08/2014 **Date(s) of Amendment(s):** 18/08/2014

Date Application Valid: 20/08/2014

1. **SUMMARY**

The application seeks planning permission to erect a detached dwelling on land to the rear of Nos. 57, 59 and 59a Exmouth Road, with a frontage onto Shaldon Drive, with associated parking and amenity space.

The proposal has been assessed against current policies and guidance for new housing development in terms of the effect on the character of the surrounding area, the potential impacts on the residential amenities of adjoining and nearby occupiers, and on highways related matters such as vehicle access, traffic/pedestrian safety and parking in Shaldon Drive. The amenities of the future occupants of the dwellings have also been considered.

In conclusion, the proposals would accord with the terms and objectives of all of the identified policies and the requirements of adopted standards or design criteria in respect of the design of the new dwelling and the standard of accommodation for future occupants including the relevant Lifetime Homes requirements. The impact on the amenities of neighbouring occupiers is also considered acceptable.

The Inspectors comments on the recent appeal scheme for a similar development in respect of highways and parking matters have been noted. In the absence of strong highways grounds for resisting a new dwelling in this location, given the minimal additional impact on the capacity for on-street parking in the locality that is likely to result, a highways reason for refusal is not therefore considered sustainable.

An appeal against non-determination of this application has now been lodged and therefore it is recommended that Members resolve that planning permission for the proposed development would have been granted if the Council were in a position to determine the application.

2. **RECOMMENDATION**

That the Planning Inspectorate be advised that had an appeal against non-determination not been received the Local Planning Authority would have

approved the application subject to the following conditions.

1 RES3 Time Limit

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 RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 13/3297/9 Rev B, 13/3297/10 Rev A, 13/3297/11 and 13/3297/12 and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the London Plan (July 2011).

3 RES7 Materials (Submission)

No development shall take place until details of all materials and external surfaces have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such. Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

4 HO5 No additional windows or doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing No. 68 Shaldon Drive or Nos. 57, 59 and 59a Exmouth Road

REASON

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

5 HO6 Obscure Glazing

The first floor bathroom window shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

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

6 RES9 Landscaping (car parking & refuse/cycle storage)

No development shall take place until a landscape scheme has been submitted to and

approved in writing by the Local Planning Authority. The scheme shall include: -

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

2. Details of Hard Landscaping
 - 2.a Refuse Storage
 - 2.b Cycle Storage
 - 2.c Means of enclosure/boundary treatments
 - 2.d Hard Surfacing Materials

3. Schedule for Implementation

4. Other
 - 4.a Existing and proposed functional services above and below ground
 - 4.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies BE13, BE38 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy 5.17 (refuse storage) of the London Plan (July 2011).

7 RES14 Outbuildings, extensions and roof alterations

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

REASON

To protect the character and appearance of the area and amenity of residential occupiers in accordance with Policies BE13, BE21, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

8 RES16 Code for Sustainable Homes

The dwelling shall achieve Level 4 of the Code for Sustainable Homes. No development shall commence until a signed design stage certificate confirming this level has been received. The design stage certificate shall be retained and made available for inspection by the Local Planning Authority on request.

The development must be completed in accordance with the principles of the design stage certificate and the applicant shall ensure that completion stage certificate has been attained prior to occupancy of each dwelling.

REASON

To ensure that the objectives of sustainable development identified in London Plan (July

2011) Policies 5.1 and 5.3.

9 RES18 Lifetime Homes/Wheelchair Units

All residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards. Further 10% of the units hereby approved shall be designed and constructed to be fully wheelchair accessible or easily adaptable for residents who are wheelchair users, as set out in the Council's Supplementary Planning Document 'Accessible Hillingdon'.

REASON

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

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

H12	Tandem development of backland in residential areas
H3	Loss and replacement of residential accommodation
H4	Mix of housing units
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM7	Consideration of traffic generated by proposed developments.
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street

	furniture schemes
AM14	New development and car parking standards.
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
NPPF	National Planning Policy Framework
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 3.9	(2011) Mixed and Balanced Communities

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies. On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4 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.

5 I15 Control of Environmental Nuisance from Construction Work

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

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 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 or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) 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.

6 121 Street Naming and Numbering

All proposed new street names must be notified to and approved by the Council. Building names and numbers, and proposed changes of street names must also be notified to the Council. For further information and advice, contact - The Street Naming and Numbering Officer, Planning & Community Services, 3 North Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250557).

7 13 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Residents Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

8 147 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

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

You are advised that the application site is located in the area formerly occupied by a magazine accommodation for National Filling Factory No. 7. The Council are not aware of any specific contamination issues at the site and there may be large areas where contamination is unlikely.

Before any part of the development is occupied, it is recommended that site derived soils and imported soils shall be independently tested for chemical contamination to ensure that all soils used for gardens and/or landscaping purposes are clean and free of contamination.

3. CONSIDERATIONS

3.1 Site and Locality

The application site relates to a 0.02 hectare rectangular plot of land currently forming part of the extended rear garden of No. 57 Exmouth Road which occupies a road frontage of 10.0 metres in Shaldon Drive. To the north boundary is an unsurfaced private access lane

serving garages belonging to properties in Shaldon Drive, Exmouth Road and Barnstaple Road.

The site is enclosed by a close boarded fence on both sides and is heavily planted with several fruit trees, a single Holly and a feature Palm. It is adjoined on two sides by the rear gardens of four properties in Exmouth Road (Nos. 55, 57, 59 and 59a) situated to the west of the junction with Shaldon Drive.

The surrounding area is wholly residential and characterised by terraced rows of two storey dwellings with established suburban gardens typically on 30-35 metre plots. As such, the site is situated within a Developed Area as identified in the Policies of Hillingdon Local Plan and has a Public Transport Accessibility Level (or PTAL) of 1a.

3.2 Proposed Scheme

The proposal is for the erection of a two storey, 2-bedroom three person detached dwelling house providing approximately 102 square metres of gross internal floor area.

The proposed dwelling would be finished with a hipped roof on all sides, extended to a cat slide roof on the south side elevation. It would have a width of 8.1 metres and an overall depth of 9.8 metres at ground floor (6.6m at first floor) and be set approximately 6.0 metres back from the public footpath to align with the established building line in Shaldon Drive. The flank wall of the dwelling would be approximately 12.8 metres from the rear boundary of No. 59a Exmouth Road at ground floor (15.1m at the upper eaves level) and have an apex height of approximately 7.45 metres.

Internally, it would comprise of a kitchen/diner and lounge plus WC/wet room at ground floor, two bedrooms and a bathroom on the first floor. The principle habitable room windows would be in the front and rear elevations plus two small side openings to the lounge facing the garages access lane. There would be no windows at first floor in either of the side elevation facing properties in Exmouth Road or Shaldon Drive.

The dwelling would be finished externally in facing brick (ground floor), render (first floor), roof tiles and upvc window/door openings. The proposed development would be served by a new vehicle crossover (4.8 metres wide at the kerbside) from Shaldon Drive with an off road parking space of 4 metres width by 4.8m deep formed within the front garden.

Approximately 75 square metres of private amenity space would be provided to the rear of the dwelling which would also contain a cycle store (1.3 metres x 1.75m) for two bicycles.

3.3 Relevant Planning History

16124/APP/2013/3540 R/O 57-59a (Fronting Shaldon Drive) Exmouth Road Ruislip

Two storey, 2-bed, detached dwelling with associated parking and amenity space, installation of vehicular crossover and cycle store

Decision: 19-03-2014 Refused

Appeal: 24-07-2014 Dismissed

Comment on Relevant Planning History

A recent proposal for a similar two storey, 2-bed, detached dwelling with associated parking and amenity space, installation of vehicular crossover and cycle store (under ref. 16124/APP/2013/3540) was refused in March 2014 for the following reasons:

1. The proposed development by virtue of the inappropriate development of gardens would erode the character, appearance and local distinctiveness of the site and surrounding neighbourhood. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (July 2011) and the National Planning Policy Framework;

2. The proposed development fails to demonstrate that sufficient off street parking provision which meets the Council's approved parking standards to service the existing and proposed dwellings will be provided and would result in the loss of space currently available for on-street parking. The development would therefore lead to additional on street parking, in an area where such parking is at a premium, to the detriment of public and highway safety and is therefore contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), the Council's adopted car parking standards and the adopted Supplementary Planning Document HDAS: Residential Layouts.

3. The proposal would fail to meet all of the Lifetime Homes standards, in particular with regard to parking, level access, the provision of at least one bathroom/en-suite laid out to standard or a entrance level WC for future use as a wet room. It is therefore contrary to Policy 3.8 of the London Plan (July 2011), the Supplementary Planning Document, the 'Hillingdon Design and Accessibility Statement - Accessible Hillingdon', Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy AM13 of the Local Plan: Part Two - Saved UDP Policies; and

4. The proposed development by reason of its design, bulk and location would result in an incompatible and obtrusive form of development which would have an unacceptable detrimental impact upon the streetscene and the area in general. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (July 2011) and the National Planning Policy Framework.

The subsequent appeal against that decision was dismissed in July 2014. The appeal was not dismissed on grounds of the principle of development at this location, but on matters of detail. The Inspector considered that there were three main issues, the effect on the character and appearance of the area, the safety of highways users and the provision of Lifetime Homes Standards for future occupants.

The terraced rows in Shaldon Drive with their hipped roofs and bay window fronts were noted but he considered that whilst the gardens to Exmouth Road properties provided a visual break and open feel, these were not a feature that contributed strongly to the local landscape. Furthermore, the proposed house was of a design that would be in character and would appear as a continuation of the line in Shaldon Drive.

With regard to highways matters, the loss of a garage space to No. 57 Exmouth Road and the provision of one off street parking space for the new dwelling in an area of low accessibility where two spaces were sought would be likely to result in additional on-street parking. Against that, the loss of the two parking spaces for two vehicles in front of the site in Shaldon Drive would improve the safety of other highways users and there was no evidence presented of a lack of on-street parking capacity at weekends and evenings. In summarising, he concluded that there would be more parking congestion as a result of the

development but considered that this did not represent reason alone to dismiss the appeal.

With regard to the Lifetime Homes Standards, the ground floor WC would not meet these and would need to be adapted with the internal layout of dwelling re-designed.

Under the heading Other Matters, the design of the new dwelling, with its lower ridge height than the adjoining houses in Shaldon Drive and Exmouth Road, and cat-slide roof would mean that it would not be overbearing or have any effect on the privacy, daylight/sunlight or outlook of Nos. 59/59a Exmouth Road. He did however raise a concern about the overlooking and loss of privacy towards the rear gardens of Nos. 51- 57 Exmouth Road, with oblique views from the west elevation bedroom.

The current proposal, essentially for the same style and position of dwelling, has therefore been revised by its internal layout and the width of vehicle access with the appeal decision in mind and these changes and the Inspectors conclusions are considered under the relevant sections elsewhere in this report.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.BE1 (2012) Built Environment
- PT1.EM6 (2012) Flood Risk Management

Part 2 Policies:

- H12 Tandem development of backland in residential areas
- H3 Loss and replacement of residential accommodation
- H4 Mix of housing units
- BE13 New development must harmonise with the existing street scene.
- BE19 New development must improve or complement the character of the area.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE22 Residential extensions/buildings of two or more storeys.

- BE23 Requires the provision of adequate amenity space.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- AM7 Consideration of traffic generated by proposed developments.
- AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -
 - (i) Dial-a-ride and mobility bus services

	(ii) Shopmobility schemes
	(iii) Convenient parking spaces
	(iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
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NPPF	National Planning Policy Framework
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 3.9	(2011) Mixed and Balanced Communities

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

7 neighbouring and nearby occupiers were consulted (on 22.8.2014) and in addition a site notice was displayed from 28.8.2014. There have been four responses and an additional four representations received, including a petition (signed by 35 persons) with the following objections, issues and concerns raised (summarised):

Principle/impact on surrounding area:

- garden land grabbing;
- cramped development/precedent;
- already too many houses/overcrowded area;
- will spoil the outlook and open space already there;
- has been turned down at least twice and on appeal (issues are still the same).

Size, scale and design:

- out of character with terraced properties.

Amenities of neighbouring occupiers:

- will block light into kitchen (of No. 59 Exmouth Road);
- proximity/distance (to No. 59a Exmouth Road) is only 13 metres;
- loss of outlook, dominant and overbearing in bulk (viewed from Nos. 59 and 59a Exmouth Road);
- development would be visible from garden (of No. 66 Shaldon Drive), which adds to being surrounded by more buildings;
- loss of privacy.

Parking, access and traffic:

- net loss of three parking spaces/insufficient parking as it is (full parking esp. at weekends);
- probable that there will be two cars (space shown for only one car/second vehicle will be parked in the space back to the alley access);
- would restrict/worsen parking in area (already at saturation/difficult to find a parking space);
- parking spaces will be reduced including loss of a double garage and two on street spaces;
- dropped kerb prevents other residents from parking (residents have dropped kerbs installed to guarantee parking space outside their property);
- front garden is insufficient to accommodate the length of the vehicle (would project over the pavement - single file pedestrians only, a baby buggy would have to divert into road);
- trade vehicles parked overnight in front gardens cause similar obstruction to the passage of pedestrians;
- fence would be removed to enlarge off road parking area (as at 63 Shaldon Drive, opposite and elsewhere)/degrades the planned environment;
- Manor Homes Estate was developed with forethought to the increasing ownership of motor vehicles (most houses have access to off road parking either at the side of the property or in the rear garden);
- loss of rear access to No. 57 Exmouth Road;
- No. 59 Exmouth Road has access to a garage from Shaldon Drive (No. 59a appears to have none);
- if permitted would effect parking space in Shaldon Drive (leading to conflict of interest over parking space between the residents of 59, 59a and the proposed new property); and
- will encourage more residents to get front gardens concreted with dropped kerbs;
- parking on footways in Shaldon Drive was approved in 1998.

In support of these concerns, photographic evidence of on-street parking in the immediate locality, taken at different times of the day and week, including Saturday and Sunday evenings, has also been submitted.

Amenities of future occupants:

- proposed dwelling will have no garden and will be tiny.

Other issues:

- will contribute little to Borough's affordable housing need;
- too many front gardens are being paved over (bad for the environment and ambience);
- less drainage and possibly flooding risk eventually;

South Ruislip Residents Association - no comments.

Internal Consultees

Principal Access Officer - considers acceptable with the following comments:

In assessing this application, reference has been made to London Plan July 2011, Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document "Accessible Hillingdon" adopted May 2013. Compliance with all 16 Lifetime Home standards (as relevant) should be shown on plan.

The floor drain shown within the entrance level WC should be relocated to the corner furthest from the door opening, on the opposite wall. A planning condition should be attached to any approval to secure the Lifetime Homes Standards plus additional condition re. level accesses.

Trees/Landscape Officer - no objection subject to conditions RES9 (parts 1,2,5 and 6) with the following comments:

The site is occupied by the gardens to the rear of Exmouth Road, which is accessible from Shaldon Drive. The area is residential and characterised by established suburban gardens. This particular garden is fairly typical of the area with no protected species and no trees or other significant landscape features which might constrain development.

Saved Policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

- the application is supported by Merewood's Arboricultural Survey to BS5837:2012. The survey assesses the condition and value of 8No. individual specimens. The report concludes that these are all grade 'C' trees.

- while the vegetation collectively make a contribution to the visual amenity of the area, the condition, quality and useful life expectancy of these trees (individually) poses no constraint on development, provided that replacement planting is secured.

- the development necessitates the removal of several garden shrubs and small trees. However, no trees or other landscape features of merit will be affected by the proposal.

- the Design & Access Statement, Tree Survey, together with WJ Macleod drawing No. 13/3297/1 confirm that there is space and opportunity within the proposed site layout to secure replacement planting as part of a landscape scheme for the site.

- if the application is recommended for approval, landscape conditions should be imposed to ensure that the proposals preserve and enhance the character and appearance of the area.

Environmental Protection Unit - comment as follows:

The above site is located in the area formerly occupied by a magazine accommodation for National Filling Factory No. 7. We are not aware of any specific contamination issues at the site and there may be large areas where contamination is unlikely. Recommends Informative(s) be added re. contamination and construction works.

Highways (Traffic/Transportation) Officer - no objection with the following comments:

There is a single garage at the rear of No 59a Exmouth Road, which is outside the red line but is shown as unused. The cross over to this garage is also shown as disused. The applicant is not the owner of this garage and confirmation has not been provided from the owner of the garage that it is disused. Until this is provided the removal of the crossover to facilitate additional on street parking cannot be considered.

The site has a PTAL of 1a, very low. The revised access and parking layout for the new dwelling provides two off street car parking spaces. However, no replacement off street parking is proposed for the existing dwellings. The development will therefore result in loss of garages at the rear of nos. 57 and 59 Exmouth Road. No. 57 Exmouth Road has off-street car parking at the front and therefore only 59 Exmouth Road will have no off-street car parking as a result of the development.

Having considered the appeal decision for the previously refused application, the Inspector appears to suggest that the appeal would unlikely to be dismissed if the highways reason for refusal given was the only issue with the scheme. Consequently, if the revised scheme is considered to be acceptable on all other planning grounds, a refusal on highways ground is unlikely to be upheld in case of an appeal.

Should the application be approved, a condition should be attached to cover pedestrian visibility splays of 2.4mx2.4m for the proposed vehicular access and height of the fence adjoining the access road should be restricted to 1m for a length of 2.4m from the back edge of the footway. A condition should also be attached to address the issue of the crossover associated with the existing garage at

the rear of 59a Exmouth Road.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Paragraph 53 of the National Planning Policy Framework advises that 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'

The London Plan (July 2011) aims to provide more homes within a range of tenures across the capital meeting a range of needs, of high design quality and supported by essential social infrastructure.

London Plan Policy 3.5 (Quality and design of housing developments) states that "housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in the Plan to protect and enhance London's residential environment and attractiveness as a place to live. Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified".

The London Plan comments (in Paragraph 3.34) that "Directly and indirectly back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities' sense of place and quality of life. Pressure for new housing means that they can be threatened by inappropriate development and their loss can cause significant local concern. This Plan therefore supports development plan-led presumptions against development on back gardens where locally justified by a sound local evidence base..."

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that "new development should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase the risk of flooding through the loss of permeable area".

Policy H12 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) refers to proposals for tandem development of backland in residential areas. However, this form of development consists of one house immediately behind another and sharing the same access therefore is not applicable to the current application proposal.

The construction of one dwelling on this site would effectively represent "garden grabbing". However, in the light of the recent appeal Inspector's comments made regarding the contribution that the open space provided by the back gardens makes to the local landscape and the impact of the proposed dwelling on the character of the area given its general design form and position in Shaldon Drive, the proposal can not be dismissed as inappropriate development of garden land. In the circumstances therefore, the principle of the development can be accepted in this instance but with any grant of planning permission to be determined on other aspects.

7.02 Density of the proposed development

The density of residential development on this site should be in accordance with Policy 3.4 of the London Plan (July 2011). Thus for dwellings of 4 habitable rooms in suburban locations, a density of 150-200 habitable rooms/hectare (or 35-55 units/ha.) is sought.

The proposed development, comprising of four habitable rooms (two bedrooms plus a kitchen/diner and lounge) on a site area of 0.02 hectare would thus result in a density of 200 habitable rooms/hectare (approx.) or 50 units per hectare, which would be at the top of the acceptable density range for a site in a suburban location with a PTAL score of 1a.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) requires developments to harmonise with the existing streetscene or other features in the area.

Policy BE19 seeks to ensure that new development within residential areas complements or improves the amenity and character of the area in which it is situated.

The application site is wholly visible from Shaldon Drive the immediate surrounding area to which comprises of mostly two storey terraced rows. The proposed house would occupy a smaller plot in terms of front to back depth than those. Given its detached nature and the lower eaves/ridge height the proposed dwelling clearly differ from those in the immediate vicinity. Nonetheless, the Inspector at the recent appeal concluded that in terms of its design, including pitched and hipped roof and bay windows, and in particular its position aligned with the properties in Shaldon Drive with which it would appear as a continuation, the proposed dwelling would not be out of character with its built surroundings or the residential amenity of the area.

Policy BE22 of the Hillingdon Local Plan requires a gap between a two storey building and the side boundary line of at least one metre. Whilst the site backs on to the gardens of properties in Exmouth Road and adjoins a private access lane, this has nonetheless been achieved in the proposal.

Accordingly, the proposal is considered to comply with the objectives of Policies BE13, BE19 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies in this regard.

7.08 Impact on neighbours

Policy BE21 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) states that "planning permission will not be granted for new buildings which by reason of their siting, bulk and proximity would result in a significant loss of residential amenity."

The Council's Supplementary Planning Document - the Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006) sets down a minimum of 15 metres separation distance between adjoining dwellings.

Policy BE20 of the Local Plan requires new buildings to provide for adequate daylight and sunlight to be able to penetrate into and between them and the amenities of the existing houses to be safeguarded.

The proposal would maintain a separation of 12.8 metres from the rear elevation of No. 59a

Exmouth Road at ground floor but achieve 15.1 metres at the upper eaves level. The cat slide roof section facing this and other properties in Exmouth Road would effectively reduce the physical bulk at the boundary and allow natural light to penetrate whilst sunlight from the south would be unaffected.

For these reasons therefore, it is considered that the proposal would be unlikely to reduce the residential amenities of the occupiers of Nos. 55 to 59a Exmouth Road and No. 68 Shaldon Drive by reason of bulk and proximity or loss of natural light/sunlight and as such complies with the objectives of both Policies BE20 and BE21.

Policy BE24 of the Local Plan requires the design of new buildings to protect the privacy of neighbouring dwellings. Paragraph 4.12 of the Hillingdon Design and Access Statement: Residential Layouts (or HDAS) requires a minimum of 21 metres between properties (taken at 45 degrees from the centre of the upper floor habitable room windows in the new dwellings) to ensure no loss of privacy would occur.

In this regard, there are no habitable room windows proposed to the upper floors of the new dwelling that would create overlooking to any of the existing dwellings or the nearest part of their gardens in either Exmouth Road or Shaldon Drive (as measured by a 45 degree taken either side of the centre of the rear windows) or to the rear in Barnstaple Road which are over 50 metres away. To this end, the provision of a buttress wall carried up from the ground floor on the rear elevation would effectively prevent overlooking of the dwellings in Exmouth Road from the rear bedroom whilst the bathroom window can be fitted with obscure glass.

The proposal therefore complies with the objective of Policy BE24 in this respect.

7.09 Living conditions for future occupiers

Policy 3.5 of the London Plan (July 2011) states that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. In order to achieve this, the new dwelling would be required to meet the minimum gross internal floor space standards set out under this policy, and in the GLA's Supplementary Planning Guidance - Housing (November 2012).

The proposed development would provide a two bedroom dwelling, with a gross internal floor area of 102 square metres (approximately). The front bedroom is capable of being occupied in the future as a double or twin room [12 sq.m. or more], and therefore a total of up to three persons could be accommodated in total.

The standard set down for a 2-bedroom, 3 person dwelling is 74 sq.m. therefore the floorspace provided would achieve the minimum gross internal floor area set down in the London Plan (July 2011). The proposal would thus provide an adequate layout standard of living accommodation for its occupants and complies with the London Plan and HDAS standards in this regard.

Policy BE23 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) states: "New residential buildings or extensions should provide or maintain external amenity space which is sufficient to protect the amenity of the occupants of the proposed and the surrounding buildings, and which is useable in terms of its shape and siting."

The Council's Supplementary Planning Document - the Hillingdon Design and Accessibility Statement - Residential Layout (July 2006) states that the garden space standards which

for a two bedroom dwelling is 40 square metres. The proposal provides 64 square metres of private garden space and therefore also complies with Local Plan Policy BE23 and HDAS in this regard.

The amenity space of the existing dwellings at Nos. 59 and 59a Exmouth Road, the rear boundaries of which would be adjoined, are 70/80 sq.m. respectively and would be unchanged. The dwelling at 57 Exmouth Road, which has been extended at the rear, would retain approximately 62.5 square metres of its current extended garden of over 230 sq.m. sufficient for a two bedroom property.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards. These require a maximum provision of two off-street parking spaces for each dwelling.

The application site has a low PTAL score of 1a, so the maximum two parking spaces standard is required to be adhered to in this instance. The spaces should each measure 2.4 metres x 4.8 metres and allow for turning/manoeuvring in order that vehicles leave the site in a forward gear.

The proposal indicates the provision of an area for off-street parking for the dwelling which exceeds the standard dimension for one vehicle and thus would potentially provide for up to two small/medium sized vehicles serviced by a proposed new single vehicle width crossover from the Shaldon Drive. In making the previous application for the same dwelling, the applicant commented that as the proposed house was two bedroom, a single albeit enlarged space in the front garden may be considered more appropriate for this area in addition to which a greater amount of land at the front could be devoted to soft landscaping.

Furthermore, this new vehicular access on to Shaldon Drive is preferable to using the side access (as proposed in the earlier withdrawn application) as the appropriate pedestrian visibility splays to the pavement would be within the applicant's control on both sides. A tandem parking arrangement for two vehicles had previously been ruled out for this depth of frontage whilst any other internal parking layout for two cars could result in running across the raised kerb.

Notwithstanding, the one generous parking space shown with potential capacity for two vehicles would be accessed by a single crossover that has been increased to a standard width at the Highways Officer's request and also retains an upstanding at the kerb line of at least 1.2 metres between this and the existing crossovers on either side in Shaldon Drive.

The position of the proposed crossover, 4.8 metres in width at the kerb, would thus remove one on-street space that is currently available for parking, although the visibility for vehicles leaving the rear service lane can be severely restricted. In these circumstances, forming a new crossover here may be considered as a benefit to local highway safety, a point that the Inspector noted when considering the recent appeal.

This apart, the Council's Highways Officer has identified a net loss of only one parking

space for one of the existing dwellings (No. 59 Exmouth Road). The existing garage and access for No. 59a Exmouth Road is not disused and this has now been indicated on the amended site plan. The former garage belonging to No. 57 Exmouth Road, which has not been used for vehicle parking by the current owner in 19 years, is to be removed but there is on-street parking instead of this directly in front of that property.

Taking into account the Inspectors conclusions, on balance the proposal is considered unlikely to have a detrimental impact on general highway safety, parking and traffic flow in the immediate vicinity of the application site.

In addition to the car parking requirements, any proposal should provide a covered, screened and secure cycle store with space for three bicycles within the site of the new dwellings. This provision has been made in the proposal with a cycle store for two bicycles in the rear garden.

Access for emergency and other vehicles to this site would be generally good with the new access keeping the site entrance clear and thus unlikely to give rise to any significant highway and pedestrian safety problems whilst in attendance.

7.11 Urban design, access and security

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that all new developments should achieve a high quality of design in all new buildings and the public realm contributes to community cohesion and a sense of place. They should be designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties. They should also create safe and secure environments.

The Council's adopted Supplementary Planning Document, the Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006) also sets out, in Chapter 4, the site specific and general design guidance for new residential development.

Thus elevations should be in harmony with the surroundings and complement and/or improve the area, contributing to the street scene and environment generally. Building lines should relate to the the street pattern whilst car parking should not result in a reduction in residential amenity as a result of noise, emissions and increased activity. Where parking is to the front, careful consideration must be given to boundary treatment, retention of trees and the use of walls, fences etc. Bicycle parking facilities should be safe and accessible.

As discussed elsewhere in this report, the bulk and scale, siting and design of the proposed dwelling has been considered in terms its effect on the amenity and character of the surrounding residential area, and it is considered to be acceptable in the context of the local built environment.

7.12 Disabled access

All housing development schemes must be constructed to a design that is in accordance with the Lifetime Homes Standards as outlined in the SPD, the Hillingdon Design and Accessibility Statement (HDAS) - Accessible Hillingdon' and Policy 3.8 of the London Plan 2011.

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) also states that housing should be designed to include Lifetime Homes principles so that they can be readily adapted to meet the needs of those with disabilities and the elderly.

The basic objective of these policies is that any new dwelling should be accessible and capable of future occupation by disabled person(s). This may include where appropriate such design features as external access ramps, level entrance thresholds for wheelchairs, minimum door widths and bathroom dimensions including a practical WC/washbasin arrangement, a layout that enable one bathroom facility at entry level to be used in the future as a wet room (with shower gulley drainage) and an identified location for a future through the ceiling wheelchair lift.

The Council's Principal Access Officer has advised that the revised proposal now achieves all of the relevant Lifetime Homes standards, in particular with regard to level access, bathroom and entrance level WC for future use as a wet room. As such, the proposal would accord with Policy 3.8 and HDAS.

Policy AM13 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) seeks to ensure that proposals for development increase the ease and spontaneity of movement for elderly people, the frail and people with disabilities. With regard to Lifetime Homes standards, there is an enlarged parking bay of 4 metres in width provided (the standard is for 3.6m) and therefore this overall policy objective has been met by the proposal.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

Policy BE38 of the Hillingdon Local Plan: Part Two - Saved Policies Unitary Development Plan Policies (November 2012) requires new developments to retain and utilise landscape features of merit.

The development necessitates the removal of several garden shrubs and small trees specimens, all of which make only a limited contribution to the visual amenity of the area. No trees or other landscape features of merit will be affected by the proposal.

There is however space and opportunity within the proposed site layout to secure replacement planting as part of a landscape scheme for the whole site including the site frontage in Shaldon Drive, which can be sought by means of conditions on any approval granted.

The Council's Trees & Landscape Officer has confirmed that there is no objection on this basis. The proposal would thus achieve the specific landscape aims of Local Plan Policy BE38 in this regard and also to Local Plan: Part One Policy BE1 which seeks to protect the amenity of surrounding land and buildings, particularly residential properties.

7.15 Sustainable waste management

The Council's adopted Supplementary Planning Document, the Hillingdon Design and Accessibility Statement - Residential Layouts, in Chapter 4 states that adequate and appropriate space for waste and recycling facilities should be incorporated in to new developments, which integrates with the buildings they serve and minimises the impact on local amenity.

Waste disposal facilities should be located on private land with solid, well ventilated bin stores that are discreetly sited and screened but easily and safely accessible from the highway/collection point. The maximum distance for refuse to be carried by residents is 25 metres or 30m from the highway where these are to be collected. In accordance with HDAS therefore, the dwellings would be required to be provided with a screened storage

area for refuse awaiting collection.

The proposed site layout makes provision for a hardstanding for bins within the application site, the details of which can be made the subject of an appropriate condition, but are otherwise considered to be in a suitably discreet position which would not be highly visible beyond the site boundaries. The carrying distance from the highway of less than 10 metres would provide an acceptable arrangement for refuse collection.

7.16 Renewable energy / Sustainability

The proposed development would be required to be built to the Code for Sustainable Homes Level 4. A condition could be attached to any planning permission granted requiring the provision of a design stage certificate prior to the commencement of works to show that the designed dwellings would meet this standard.

7.17 Flooding or Drainage Issues

In accordance with Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), the principles of sustainable drainage should also be used in any development of this site which should seek to manage storm water as close to its source as possible.

Policy OE8 of the Local Plan states that permission will not be granted for redevelopment of existing urban areas which would result in an increased flood risk due to additional surface water run-off, unless the proposed development includes appropriate measures.

A suitable condition is therefore necessary and could be attached to any planning permission granted requiring details of appropriate surface water management measures for the development of this site, which is to be fully enclosed on all boundaries except that part left open for the new vehicular access in Shaldon Drive.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

A number of concerns and issues have been raised in response to the consultation exercise, and many of these have been addressed under the relevant section headings of the report. The primary objections to the proposal relate to the principle of the development, its impact on the surrounding area, the additional parking and loss of amenities of the immediately adjoining neighbours.

The main objection to the proposal is the additional pressure that the development would give rise to on parking congestion in the area, which would only be made worse by the lack of space provided for the new occupants and loss of existing spaces (including the garage). This problem has been demonstrated by recent photographic evidence provided to show on-street parking in the vicinity at capacity outside of the normal weekday working hours as well as historically, by reference to the parking situation in the late 1990's.

The other issues raised in objection, including the effect on character of the area and specific impacts on neighbouring occupiers have been considered at the recent appeal at which the principle of the development, and its general form were accepted.

7.20 Planning Obligations

Both the London Mayor's and Borough Community Infrastructure Levy charges are applicable to the development, if approved.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

Not applicable to this application.

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

None received.

10. CONCLUSION

The proposal represents a form of development known as garden grabbing but has been accepted in principle at a recent appeal against refusal of the previous similar proposed development where the open space provided by the back gardens in Exmouth Road and the form of the new dwelling were considered.

For the same reason, the design, bulk and location of the proposed development is considered to represent a compatible form of development, in character with its built surroundings and without detrimental impact upon the street scene or amenities of the residential area in general.

The amenity space provision for future occupants of the development is also adequate and no significant landscape features would be removed, and the proposal would have an acceptable impact on the amenities of the adjoining residential occupiers.

The access arrangement is considered satisfactory and would not result in highways related problems at the site entrance. The minimal additional on-street parking need that

would be likely to result from existing spaces that would be displaced is considered acceptable in the context of the locality and does not provide sufficient reason alone to resist the new development.

In conclusion, the proposal would thus accord with the terms and objectives of the identified national, strategic and local policies, and the requirements and adopted standards in all respects.

It is recommended therefore that planning permission for the proposed development be granted.

11. Reference Documents


Hillingdon Local Plan (November 2012);
The London Plan (July 2011);
National Planning Policy Framework;
Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006);
Hillingdon Design and Accessibility Statement: Accessible Hillingdon (May 2013);
GLA's Supplementary Planning Guidance - Housing.

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Notes

 Site boundary

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Site Address

**R/O 57-59a Exmouth Road
 Fronting Shaldpn Drive
 Ruislip**

**LONDON BOROUGH
 OF HILLINGDON**

**Residents Services
 Planning Section**

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

Planning Application Ref:

16124/APP/2014/2943

Scale

1:1,250

Planning Committee

North

Date

January 2015



HILLINGDON
 LONDON