

Report of the Head of Planning, Sport and Green Spaces

Address 2 LINKSWAY NORTHWOOD

Development: Two storey, 5-bed, detached dwelling with habitable roofspace involving demolition of existing dwelling

LBH Ref Nos: 36910/APP/2014/2869

Drawing Nos: Arboricultural Report reference 12/102/AM/1
Design & access statement
P101
P102 Rev D
P201 Rev G
P202

Date Plans Received: 12/08/2014 **Date(s) of Amendment(s):** 13/08/2014

Date Application Valid: 22/08/2014

DEFERRED ON 9th December 2015 FOR SITE VISIT .

The application was considered at the North Planning Committee on the 9th December 2014, where it was deferred for a Members site visit.

The site visit took place on the 9th January 2015.

1. SUMMARY

The application seeks planning permission for the erection of a two storey, detached, 5-bedroom, dwelling involving the demolition of the existing detached dwelling and detached garage.

The site is a triangular corner plot which separates Copsewood Way (to the west) from Linksway (to the east), located at the northern end of Linksway. Contained within the site is an existing two-storey detached residential property and side/rear garage addition, which is set back from the main highway by approximately 15.5 metres. The site forms part of Copsewood Estate Area of Special Local Character as set out within the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), and is also covered by Tree Preservation Order 391, with a number of large, mature trees on the boundary lines of the site.

This scheme has been amended in response to the Inspectors appeal decision on the site, with the main alterations being a reduction in the height and alterations to the north west elevation proposed.

The amended scheme by reason of its unacceptable siting, size, scale, bulk, layout and proximity to No. 3 Copse Wood Way, would result in an incongruous, dominant and intrusive form of development that would be detrimental to the character, appearance and the visual amenities of the street scene, neighbouring residential occupiers and the wider Copse Wood Estate Area of Special Local Character.

It is considered that overall the scheme fails to comply with the Policies of the Hillingdon

Local Plan: Part One - Strategic Policies (November 2012), the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), HDAS Residential Layouts and the London Plan (2011). The application is therefore recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Refusal: Scale and Bulk

The proposed development by reason of its siting, size, scale, bulk, and layout would result in a incongruous and intrusive form of development that would be detrimental to the character, appearance and the visual amenities of the street scene and the wider Copewood Estate Area of Special Local Character. It would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, 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(2011) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2 NON2 Refusal: Impact to neighbours

The proposed development by reason of its size, bulk, design and proximity to 3 Copse Wood Way, would result in a overly dominant, visually intrusive and unneighbourly form of development, that would unacceptably erode the outlook from this property. Therefore the proposal would be contrary to Policies BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) 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.

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
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.
BE5	New development within areas of special local character
BE6	New development within Gate Hill Farm and Copsewood Estates areas of special local character
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
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 5.3	(2011) Sustainable design and construction
LPP 5.7	(2011) Renewable energy
LPP 8.2	(2011) Planning obligations
LPP 8.3	(2011) Community infrastructure levy
NPPF	National Planning Policy Framework

3. CONSIDERATIONS

3.1 Site and Locality

The site is a triangular corner plot which separates Copse Wood Way (to the west) from Linksway (to the east), located at the northern end of Linksway. Contained within the site is an existing two-storey detached residential property and side/rear garage addition, which is set back from the main highway by approximately 15.5 metres.

This is one of the original dark red brick houses on the estate, designed to face the corner of Linksway and Copse Wood Way, of modest size, vernacular design and surrounded by mature trees.

The site has an existing vehicular access located at the southern end of the curtilage, with access taken from Linksway. A large grass verge is located immediately north of the site at the junction between Linksway and Copse Wood Way.

To the south of the site is No.4 Linksway, a two storey detached property and to the rear of the site is No.3 Copse Wood Way, which is also a two storey detached dwelling.

The site forms part of Copsewood Estate Area of Special Local Character as set out within the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), and is also covered by Tree Preservation Order 391.

3.2 Proposed Scheme

The application seeks planning permission for the erection of a two storey, detached, 5-bedroom, dwelling involving the demolition of the existing detached dwelling and detached garage within the site.

The proposed building would have a cranked design and would be approximately 21 metres

wide at its widest point. The building would be orientated to have its main frontage facing Linksway with a maximum depth of 8.5 metres. The property would be located 1.5 metres away from the southern boundary of the site shared with No.4 Linksway and would be set 9.5 metres from the front boundary line of the site. The building would be 9 metres in height with a dormer in the principal roofslope and two dormer windows in the rear roof slope. A integral garage and driveway would provide off-street parking within the site and a garden space would be created to the rear of the building.

Further detail is provided of the planning history section 3.3 of the report, however, this scheme has sought to overcome the recent refusal that was upheld by the Planning Inspector. The main changes between this and the refused scheme (reference 36910/APP/2013/2338) are:

1. The overall height of the proposed building has reduced by 0.8 metres (9.9 metres to 9.1 metres now proposed)
2. The layout of the building still respects its corner location and the building lines within Linksway and Copse Wood Way, however the element extending towards Copse Wood Way is more acute in angle and has been reduced in length at first and ground floor level.
3. The internal layout has been re-arranged to ensure obscure glazing is solely proposed on the side facing the neighbouring property.

3.3 Relevant Planning History

36910/A/97/1948 2 Linksway Northwood

Erection of a single storey side extension and a detached double garage and workshop

Decision: 02-04-1998 Approved

36910/APP/2012/1981 2 Linksway Northwood

Two storey, detached, 7-bed dwelling with habitable roofspace and detached single storey garage involving the demolition of the existing detached dwelling and detached garage

Decision: 18-10-2012 Withdrawn

36910/APP/2013/107 2 Linksway Northwood

Two storey, detached, 6-bedroom, dwelling involving the demolition of the existing detached dwelling and detached garage

Decision: 26-06-2013 Withdrawn

36910/APP/2013/2338 2 Linksway Northwood

Two storey, 5-bed, detached dwelling with habitable roofspace involving demolition of existing dwelling.

Decision: 25-03-2014 Refused **Appeal:** 22-07-2014 Dismissed

36910/C/98/0598 2 Linksway Northwood

To fell sixteen Thuja trees in area A1 on TPO 391

Decision: 17-08-1998 Approved

36910/E/99/1387 2 Linksway Northwood

Tree surgery to three Oak trees in Area A1 on TPO 391, including branch reduction of two Oak trees (Nos.26 and 27) to give a 1 metre clearance from the house and removal of three lowest branches and one small branch growing towards the house from Oak (No.15)

Decision: 22-10-1999 Approved

Comment on Relevant Planning History

There are a number of planning applications associated with this site, the most relevant of which are summarised below:

- 36910/APP/2013/2338 - application for the demolition of the existing house and garage and erection of a new 5 bed detached dwelling. This application was refused at planning committee on the 25th March 2013 for the following reason:

1. The proposed development by reason of its siting, design and positioning of habitable windows would result in a material and unacceptable loss of privacy to the residential property at no.3 Copse Wood Way and provide inadequate levels of privacy for the future occupiers of the development which would be detrimental to the residential amenity of its occupiers. The proposal would therefore be contrary to Policy BE24 of the Hillingdon Local Plan Part 2 - Saved Policies UDP (November 2012) and the adopted Residential Layouts SPD.

2. The proposed development by reason of its size, bulk, design and proximity to 3 Copse Wood Way, would result in a overly dominant, visually intrusive and unneighbourly form of development. Therefore the proposal would be contrary to Policies BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

3. The proposed development by reason of its siting, size, scale, bulk, and layout would result in a incongruous and intrusive form of development that would be detrimental to the character, appearance and the visual amenities of the street scene and the wider Copsewood Estate Area of Special Local Character. It would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, 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(2011) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

This applicant appealed this planning decision, however the scheme was dismissed on appeal on the 22nd July 2014. Within the appeal decision, the Inspector made the following comments:

1. The proposals mass would change the character of the site from one within which a house nestles amongst trees to one where built development would become the sites dominant feature.

2. The existing house fits comfortably in the site and any replacement dwelling should be appropriately scaled in order for it to be respectful of the character of the surrounding area.

3. The proposed house would be unduly dominant and would fail to be respectful of the area's character, resulting in unacceptable harm being caused to its appearance.

4. Whilst the scheme is not considered to cause an unacceptable loss of privacy for either the occupiers of No. 3 or occupiers of the proposed house, there is concern that the proposed dwelling would have an overbearing impact, and result in a loss of outlook in the south eastern of No. 3.

As a result, the Inspector considered that the proposal would have a harmful effect on the character and appearance of the area and the outlook for the occupiers of No. 3 Copse Wood Way and dismissed the appeal.

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

Part 2 Policies:

AM14 New development and car parking standards.

AM7 Consideration of traffic generated by proposed developments.

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.

BE5 New development within areas of special local character

BE6 New development within Gate Hill Farm and Copsewood Estates areas of special local character

HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

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 5.3	(2011) Sustainable design and construction
LPP 5.7	(2011) Renewable energy
LPP 8.2	(2011) Planning obligations
LPP 8.3	(2011) Community infrastructure levy
NPPF	National Planning Policy Framework

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

10 neighbours and Northwood Residents Association were notified and a site notice was erected. Three individual representations objecting to the scheme were received, which make the following comments:

1. Proposal is still too large for the site;
2. The scheme will decrease the amount of light for the neighbours;
3. The scheme will demolish a house that is still one of two gatehouses to the original estate;
4. The proposed is of a similar design to the refused scheme, covering the same footprint and will only a marginal change to the re-aligned northern section;
5. The height of the proposed scheme has decreased although it is still significantly higher than the existing;
6. The new house remains high, bulky and overly dominant in the surrounding street scene;
7. No improvement has been made to the layout and the spacious character of the existing property has still been lost;
8. The dwelling still overlaps the canopy of the high value Oak
9. Given the prominent location of the building, any scheme needs to harmonise with the neighbours and respect the setting.
10. Scheme will still remain unacceptably dominant and overbearing to the neighbours.

A statement in support was received from the applicant and a solicitors acting on their behalf which made the following comments:

1. The size and height has been reduced considerably to comply with the appeal decision;
2. The building is not located in a Conservation Area, nor is it a Listed Building;
3. The design of the scheme has changed dramatically through the three previous applications
4. The current building is cold, crumbling and dilapidated;
5. All the issues raised within the previous submissions, have been addressed;
6. The design uses traditional detailing and materials, and will have an acceptable appearance on the estate.
7. In relation to the screening, the proposal shows that these trees will be protected and will remain;
8. No loss of privacy will arise from the proposals.

CASE OFFICER COMMENTS: The above comments will be addressed in the main body of the report.

Northwood Residents Association:

Northwood Residents' Association objects to this application on the following grounds: the proposed development by reason of its siting, design and bulk would be in breach of Policies BE5, BE13 and BE19; in addition it would adversely affect 3 Copse Wood Way and would be in breach of Policies BE20 and BE21. We note that the arboricultural report appears to relate to an earlier planning application.

CASE OFFICER COMMENTS: The arboricultural report was updated and has been reviewed by the Councils Arboricultural Officer. His comments are detailed in the section below.

PETITIONS

Two petitions have been received, one in support and one against the scheme.

The main objections of the petitioners, against the proposed development of 2 Linksway, on the Copse Wood Estate, were:

1. The building shouldn't change beyond the existing as it is in a prominent position within the estate
2. The design hasn't altered from the previous scheme;
3. The ridge is 1.46m higher than the adjacent properties which would be overbearing;
4. The scheme will destroy the openness between properties;
5. The proposal will still cause harm to the amenities of residents.
6. The overlap with the Oak tree still exists.

Internal Consultees

TREES AND LANDSCAPING OFFICER:

This site is covered by TPO 391 Significant trees/other vegetation of merit in terms of Saved Policy BE38: There are several, large, mature protected trees (Oak and Western Red Cedar) along the site's eastern, northern and north-western boundaries. These trees provide a green screen, and also significantly contribute to the arboreal/wooded character of the Copse wood Estate Area of Special Local Character.

These trees have been surveyed, and it appears that it is possible to implement this scheme without damaging the trees. However, as suggested in the tree survey/report, a detailed tree protection plan is required, and it is also necessary to provide details of underground services.

Recommendations: In order to show that this scheme makes adequate provision for the protection and long-term retention of valuable tree/s, the following detail is required (in accordance with BS 5837:2012):

1. A tree constraints plan to show how the proposal fits within the context of the trees on and off site;
2. Existing and proposed levels (any proposed changes in levels must be clearly defined and shown in colour on the plans) ALL existing and proposed drainage must be shown;
3. A tree protection plan to show how the trees (to be retained) will be protected during development
4. An arboricultural method statement to show any incursion into tree root protection areas (RPA's) will be addressed.
5. Details of how the tree protection measures will be assessed before demolition/construction starts and how the tree protection (and any procedures described within approved arboricultural method statements) will be supervised during construction.

CASE OFFICER COMMENT: The applicant has provided the additional information requested by the

Tree Officer and this has been reviewed. The details do not make any mention of monitoring/supervision of the proposed tree protection (as was requested). The Tree Officer considers that this matter can be dealt with by a suitably worded condition, such as:

No part of the development shall commence until full details for the arboricultural supervision of tree protection measures as shown on a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The supervisory works shall be carried out in strict accordance with the details as approved.

HIGHWAYS OFFICER:

The development proposals are for the demolition of the existing dwelling and reconstruction, to provide a two storey, 5 bedroom detached dwelling within the site. There are no changes in relation to the existing or proposed parking provision or the means of access. Therefore, it is considered that the development would not be contrary to the adopted Hillingdon Local Plan, 2012, (Part 2) and an objection is not raised in relation to the highway aspect of the proposals.

ACCESS OFFICER:

The application is for the demolition of the existing three-bedroom house and the erection of a 5 bedroom detached dwelling with integral garage.

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.

Although the Design & Access Statement refers to compliance with the Lifetime Homes Standards, the submitted plans show a stepped entrance colonnade. The entrance level WC has likewise not been sized and designed to meet the said standards.

The following access observations are provided:

1. Level access should be achieved. Entry to the proposed dwelling appears to be stepped, which would be contrary to the above policy requirement. Details of level access to and into the proposed dwelling should be submitted. A fall of 1:60 in the areas local to the principal entrance and rear entrance should be incorporated to prevent rain and surface water ingress. In addition to a levels plan showing internal and external levels, a section drawing of the level access threshold substructure, and water bar to be installed, including any necessary drainage, should be submitted.

2. The scheme does not include provision of a downstairs WC compliant with the Lifetime Home requirements. To this end, a minimum of 700 mm should be provided to one side of the toilet pan, with 1100 mm in front to any obstruction opposite.

3. To allow the entrance level WC and a minimum of one first floor bathroom to be used as a wet room in future, plans should indicate floor gulley drainage.

Conclusion: revised plans should be requested as a prerequisite to any planning approval. In any case, an additional Condition, as set out below, should be attached to any planning permission:

ADDITIONAL CONDITION

Level access shall be provided to and into the dwelling houses, designed in accordance with technical measurements and tolerances specified by Part M to the Building Regulations 2010 (2004 edition, incorporating 2010/13 amendments), and shall be retained in perpetuity.

REASON: to ensure adequate access for all, in accordance with London Plan policy 3.8, is achieved and maintained, and to ensure an appropriate standard of accessibility in accordance with the Building Regulations.

CASE OFFICER COMMENTS: Had the scheme been found acceptable in all other regards, these details would have been sought via a suitably worded condition.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is currently in residential use therefore the principle of a new residential development is acceptable provided that it accords with the Council's policies and enhances the characteristics of the local area.

Any planning proposal would need to accord with the design policies set out within Hillingdon Local Plan: Part One - Strategic Policies (November 2012), and the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and relevant design guidance contained within HDAS Residential Layouts.

7.02 Density of the proposed development

In terms of the density of the proposed development, the proposal is replacing 1 residential unit within the site for another, therefore, the units per hectare density would not change. Whilst the provision of 11 units per hectare would be below the standards required by Policy 3.4 of the London Plan (July 2011), density is only an indicator of acceptability of a scheme and the density of the development is similar to the surrounding residential pattern of the Copse Wood Estate.

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

As detailed Section 7.07 of this report, given the unacceptable design, siting, scale and massing of the scheme, the proposal would have an unacceptable impact on the character of the Copse Wood Estate Area of Special Local Character.

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 BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to ensure that new development complements and improves the character and amenity of the area. Policy BE5 requires new developments within Areas of Special Local Character to harmonise with the materials, design features, architectural style and building heights predominant in the area. Policy BE6 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires two-storey developments in the Copsewood Estate to be 1.5m set-in from the side boundary.

Policy 3.5 of the London Plan states that The design of all new housing developments should enhance the quality of local places, taking into account physical context and local character and Policy 7.4 states that buildings, should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area is informed by the surrounding historic environment.

This is a prominent key site at the entrance to the Estate, one of the original dark red brick houses on the Estate, designed to continue the building line of Linksway, whilst turning the corner into Copse Wood Way. No. 2 has a relatively small footprint with the result that the property sits comfortably within its prominent corner location and remains largely inconspicuous in appearance. The surrounding area, is characterised and defined by large detached dwellings set within spacious plots, a characteristic that the Inspector recognised as something that should be maintained with any proposed redevelopment.

Within the previous application, there were concerns with regards to the overall massing of the proposed dwelling as a result of its height and width. The main differences between this current application and the previous refused scheme are that:

1. The overall height of the proposed building has reduced by 0.8 metres (9.9 metres to 9.1 metres now proposed)
2. The layout of the building still respects its corner location and the building lines within Linksway and Copse Wood Way, however the element extending towards Copse Wood Way is more acute in angle and has been reduced at first and ground floor level.
3. Internal layout has been re-arranged to ensure obscure glazing is proposed on the side facing the neighbouring property.

In respect of the height and width of the building, it is noted that the applicants have sought to reduce this and bring the first floor element on the side elevation facing Copse Wood Way in line with the footprint of the existing dwelling. Whilst the reductions are acknowledged, it is not considered that these are sufficient or go far enough to overcome the concerns and comments made by the Planning Inspector in his decision. The scheme still proposes a building of a much greater height, width and mass than the immediately adjacent properties and the existing building, with the open area and single storey detached garage building in the southern half of the plot being replaced by a building of a full two storeys in height.

The Inspector stated within the appeal decision that as the existing house fits comfortably within this site, that "...any replacement dwelling should be appropriately scaled in order for it to be respectful of the character of the surrounding area". This scheme fails to achieve such and considerably changes the character of the site from one where the building sits comfortably within the trees and site, to where built development is still the dominant feature. The development would be highly visible, particularly from Linksway where the bases of the trees crowns are between 2-3 metres above the sites ground level and this would only serve to accentuate its unacceptable massing and scale.

Further, given the scale and massing of the building proposed, the building fails to adequately address the concerns raised in respect of maintaining the open and spacious character of the plots. In an attempt to move the building away from the Oak to the north west of the site, the width of the elevation facing Linksway has increased which is emphasised by the detailing and large expanses of brickwork between the windows, particularly on the rear elevation. This only serves to emphasise the unacceptable and excessive width of the building proposed. As a result, the scheme fails to be respectful of the areas local and identified special character and would present an uncharacteristic form of development contrary to policy BE5.

Given the prominent corner location of the site and the overall excessive height, scale and massing of the proposed building, the scheme is considered to form an unacceptable

overdevelopment of this site and would have a detrimental impact on the Character and Appearance of the Copse Wood Estate Area of Special Local Character, contrary to Policies BE5, BE13, BE15, BE19 & BE38 of the Hillingdon Local Plan (November 2012).

7.08 Impact on neighbours

Paragraph 4.11 of HDAS Residential Layouts states that the 45° principle will be applied to new development to ensure the amenity of adjoining occupiers and future occupiers are protected. Paragraph 4.9 states that a minimum acceptable distance to minimise the negative impact of overbearing and overshadowing is 15m. Paragraph 4.12 requires a minimum of 21m distance between facing habitable room windows to prevent overlooking and loss of privacy. Policy BE21 states that planning permission will not be granted for new buildings which by reason of their siting, bulk and proximity would result in significant loss of residential amenity.

The proposed development would decrease the separation distances between the existing and adjoining properties. The property would be located approximately 13m away from the side flank wall of No. 3 Copse Wood Way to the west of the site. This property has a window in the side flank wall which is not a primary window to a habitable room, therefore, the proposed development would not result in significant harm to the residential amenity of this neighbouring occupier. The proposed development would not breach the 45 degree guideline when taken from the rear elevation of No.4 Linkwsay, ensuring that no significant harm would occur to the residential amenity of this neighbouring occupier.

No.3 Copse Wood Way has windows in the side elevation which face towards the rear elevation of the proposed dwelling. These windows are obscure glazed and of a secondary nature including a narrow bedroom window and staircase. The issues of loss of privacy to this occupant were considered by the Inspector within the previous application and it was concluded that due to the siting of the replacement house; the presence of non-habitable rooms with obscure glazed windows at first floor level within the south western corner of the replacement dwelling; the orientation of the windows in the proposed house relative to those at No. 3; and the screening along the boundary between Nos. 2 and 3, there would be no unacceptable loss of privacy for either the occupants of No. 2 or No. 3.

In terms of the alterations to the scheme, the siting and layout of the building is largely similar to that considered by the Inspector, albeit an improvement with all the rear facing windows now obscurely glazed. Given such, this proposal is not considered to result in an unacceptable loss of privacy to either the future occupants of No.2 Linksway or No.3 Copse Wood Way.

The Inspector considered that the refused scheme by reason of its greater mass than the existing dwelling, would reduce the outlook from the south eastern corner of No. 3's rear garden to an unacceptable degree. This scheme still proposes to infill the area to the south of the existing house with a full two storey building. Whilst the height has been reduced, the overall width and massing of the building is not dissimilar to that considered by the Inspector and given such, the scheme is still considered to have an overbearing presence to the occupiers of No.3 and result in harm being caused to their outlook, which at present remains uneroded.

Therefore, whilst the scheme is not considered to cause an unacceptable loss of privacy to the surrounding occupants, it would still result in an unacceptable loss of outlook for the occupants of No.3 and would thereby be contrary to policy BE21 of the UDP.

7.09 Living conditions for future occupiers

Paragraphs 4.6 to 4.8 and Table 2 of the Council's SPD HDAS: Residential Layouts advises that 5 plus bedroom two-storey units should have a minimum floor area of 101 square metres. Furthermore, London Plan Policy 3.5 and Table 3.3 states that 5 bedroom two-storey houses should have a minimum size of 107 square metres. The proposed development meets minimum standards providing over 400 square metres of gross internal floor area. The Mayor's Housing Supplementary Planning Guidance (November 2012) requires the minimum area for a single bedroom to be 8 square metres and a minimum floor area for a double bedroom to be 12 square metres. The proposed dwelling exceeds these standards.

HDAS advises in Paragraph 4.15 that four bedroom plus houses should have a minimum private amenity area of 100 square metres. The proposed development exceeds amenity standards and it is therefore considered that the proposed development would be in accordance with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy 3.5 and Table 3.3 of the London Plan (2011).

7.10 Traffic impact, car/cycle parking, pedestrian safety

No changes are proposed to the parking provision on the site. Two spaces are proposed on the site, which is the same as the existing, and as per Policy 6.13 of the London Plan and in compliance with Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The proposed development would make use of the existing crossover at the site and the Council's highways officer has raised no objection to the proposed development.

The proposed garage would be of sufficient size to provide space to park 1 car and at least 2 bicycles. Therefore, the proposed development is considered to comply with Policy AM9 of the Hillingdon Local Plan (November 2012).

7.11 Urban design, access and security

Urban design (see section 7.07)

Had the scheme been found acceptable in all other respects, a condition would have been recommended to any approval to ensure the proposed development would be design in line with the principles of Secure By Design.

7.12 Disabled access

The Access Officer raised a number of objections to the original floor plans and elevations as the scheme was not compliant with the lifetime homes standards. Had the scheme been found acceptable in all other respects, a condition would have been recommended to any approval to ensure the proposed development would be design in line with the principles of Secure By Design.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

This site is covered by Tree Preservation Order 391. There are several, large, mature protected trees (Oak and Western Red Cedar) along the site's eastern, northern and north-western boundaries. These trees provide a green screen, and also significantly contribute to the arboreal/wooded character of the Copse wood Estate Area of Special Local Character.

Concerns were raised in the appeal decision in relation to the impact of the proposal on the Oak tree in the north west corner. It is noted in this scheme that the first floor element has

been reduced and does not appear to fall beneath the canopy, however the single storey element still does. This relationship has been reviewed by the Councils Arboricultural Officer who considers that it is possible to implement this scheme without damaging the trees. A detailed tree survey report and tree protection plan were submitted and had the scheme been found acceptable in all other respects, the scheme would not have been considered to result in the loss or unacceptable harm to the protected trees at the site.

7.15 Sustainable waste management

Policy 5.6 of the London Plan requires development to have regard to and contribute to a reduction in waste produced. The applicant has shown the location of a bin store adjacent the side boundary line shared with No.4 Linksway. This location would allow for the bins to be presented to adjacent the highway on bin collection days and would have an acceptable impact on the visual amenities of the streetscene, given that they would be screened by the proposed boundary treatment.

7.16 Renewable energy / Sustainability

Policy 5.3 of the London Plan requires the highest standards of sustainable design and construction in all developments to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

The applicant has provided only very basic details of the sustainable measures or renewable energy sources being proposed for the building with some reference water conservation measures within the building. Whilst this level of information is not adequate to determine the carbon dioxide reduction, had the scheme been found acceptable, a suitable condition requiring the building to be design to Code for Sustainable Homes Level 4 would ensure that the proposed development would comply with Policies 5.1, 5.2 & 5.3 of the London Plan (July 2011).

7.17 Flooding or Drainage Issues

The application site is not within a Flood Risk Area or a Critical Drainage Area. The applicant has provided some basic details in the design and access statement as to water conservation measures and the plans appear to show porous paving being used for the driveway. However, had the scheme been found acceptable, a SUDS condition would have been added to any approval to reduce any potential for an increase in surface water flooding caused by the proposed development.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

The comments made are noted and have either been considered within through out the main body of this report, reflected in the reasons for refusal or are not material planning considerations.

7.20 Planning Obligations

Not relevant to the consideration of this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

There are no other relevant issues for consideration with 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 amended scheme by reason of its unacceptable siting, size, scale, bulk, layout and proximity to No. 3 Copse Wood Way, would result in an incongruous, dominant and intrusive form of development that would be detrimental to the character, appearance and the visual amenities of the street scene, neighbouring residential occupiers and the wider Copse Wood Estate Area of Special Local Character.

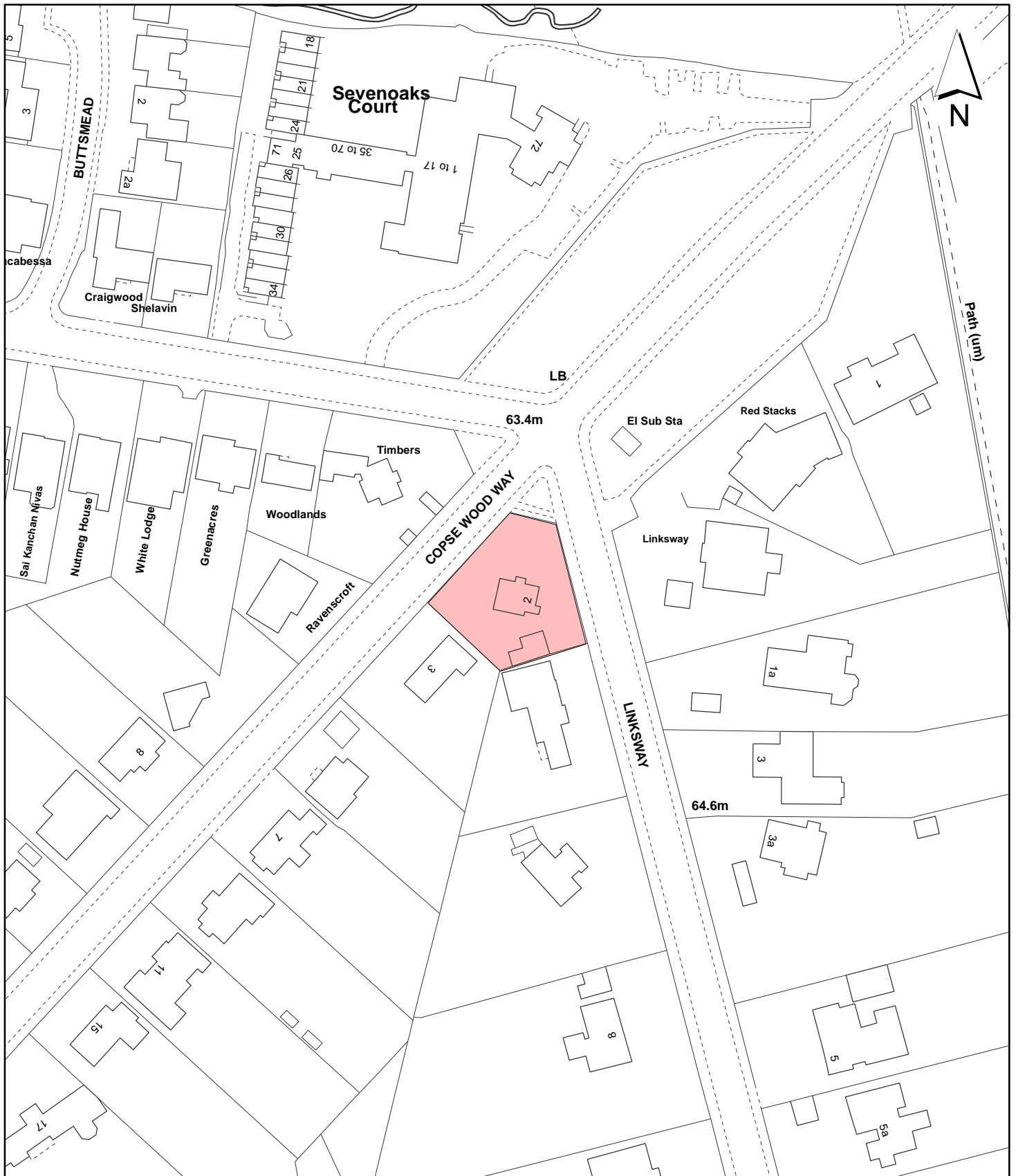
It is considered that overall the scheme fails to comply with the Policies of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), HDAS Residential Layouts and the London Plan (2011). The application is therefore recommended for refusal.

11. Reference Documents


Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
HDAS: Residential Layouts
The London Plan 2011
The Mayor's London Housing Supplementary Planning Document
HDAS: Accessible Hillingdon
National Planning Policy Framework

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Notes

 Site boundary

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**LONDON BOROUGH
 OF HILLINGDON**
**Residents Services
 Planning Section**

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 Telephone No.: Uxbridge 250111

Planning Application Ref:
36910/APP/2014/2869

Scale
1:1,250

Planning Committee
North

Date
January 2015



HILLINGDON
 LONDON