

Report of the Corporate Director of Planning & Community Services

Address REAR OF 54 SWAKELEYS DRIVE ICKENHAM

Development: 2 four-bedroom detached dwellings, 1 with detached double garage, associated parking and alterations to existing access road.

LBH Ref Nos: 53998/APP/2009/1186

Drawing Nos: Design and Access Statement
2.05
110/1
Impact on Character of Conservation Area and the Setting of Swakeley:
Arboricultural Report dated April 2008
2.09
2.07
2.10
2.02
2.04
2.03
2.01
2.08/A
2.14
2.06 Rev. D
Applicant's E-mail received 24/11/09

Date Plans Received: 03/06/2009 **Date(s) of Amendment(s):** 03/06/2009
Date Application Valid: 16/06/2009 05/11/2009
24/11/2009

1. SUMMARY

Planning permission is sought for the erection of 2, four-bedroom detached dwelling houses, one with a detached garage, access drive and associated landscaping. This application follows on from the granting of permission for a single house in a similar position, size and design to the nearest house to No. 54 Swakeleys Drive now proposed (Plot 1) (ref. 53998/APP/2008/3195) and a previous application for similar development for two houses (ref. 53998/APP/2008/1756), which was dismissed at appeal in April 2009. The Inspector's decision letter is attached at Appendix 1. The Inspector concluded that the scheme would harm the setting of the adjoining Grade I Listed Swakeleys House and its drive/ride which adjoins No.54. Furthermore, as the house and its drive form part of the Ickenham Village Conservation Area, its character and appearance would also be adversely affected.

This scheme differs from the appeal scheme in that a detached garage has been removed from the proposed house at the rear of the site, the drive has been narrowed and landscaping on site has been greatly enhanced. It is considered that the revisions to the scheme overcome the concerns raised by the Inspector of the previous scheme and the proposal is now recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 Time Limit - full planning application 3 years

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

REASON

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

2 M1 Details/Samples to be Submitted

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

REASON

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

3 OM1 Development in accordance with Approved Plans

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

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE4, BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 OM2 Levels

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 OM19 Construction Management Plan

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

- (i) The phasing of development works
- (ii) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
- (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking

provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).

(vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.

(vii) The storage of demolition/construction materials on site.

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

REASON

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

6 RPD1 No Additional Windows or Doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing Nos. 2 to 10 Vyners Way.

REASON

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

7 RPD5 Restrictions on Erection of Extensions and Outbuildings

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

REASON

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

8 RPD9 Enlargement to Houses - Roof Additions/Alterations

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no addition to or enlargement of the roof of any dwellinghouse shall be constructed without the prior written consent of the Local Planning Authority.

REASON

To preserve the character and appearance of the development and protect the visual amenity of the area and to ensure that any additions to the roof are in accordance with policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007)

9 H7 Parking Arrangements (Residential)

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

REASON

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

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

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

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

The scheme shall also include details of the following: -

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

REASON

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

11 TL6 Landscaping Scheme - implementation

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

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

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

REASON

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

12 TL7 Maintenance of Landscaped Areas

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

REASON

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

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

permitted)
No development shall take place until an initial design stage assessment by an accredited assessor for the Code for Sustainable Homes and an accompanying interim certificate stating that each dwelling has been designed to achieve level 3 of the Code has been submitted to, and approved in writing, by the Local Planning Authority. No dwelling shall be occupied until it has been issued with a final Code certificate of compliance.

REASON

To ensure that the objectives of sustainable development identified in policies 4A.1 and 4A.3 of the London Plan (February 2008).

14 SUS5 Sustainable Urban Drainage

No development shall take place on site until details of the incorporation of sustainable urban drainage have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed on site and thereafter permanently retained and maintained.

REASON

To ensure that surface water run off is handled as close to its source as possible in compliance with policy 4A.14 of the London Plan (February 2008) /if appropriate/ and to ensure the development does not increase the risk of flooding contrary to Policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), policies 4A.12 and 4A.13 of the London Plan (February 2008) and PPS25.

15 DIS5 Design to Lifetime Homes Standards & to Wheelchair

Standards
The houses hereby permitted shall be built in accordance with 'Lifetime Homes' Standards, as set out in the Council's Supplementary Planning Document 'Hillingdon Design and Accessibility Statement: Accessible Hillingdon'. No development shall take place until plans and/or details to demonstrate compliance with the standards have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (February 2008) Policies 3A.5, 3A.13,

3A.17 and 4B.5.

16 NONSC Non Standard Condition

Before the development hereby permitted is commenced, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority detailing how additional or improved educational facilities will be provided within a 3 miles radius of the site to accommodate the primary and/or secondary school child yield arising from the proposed development. This shall include a timescale for the provision of the additional/improved facilities. The approved means and timescale of accommodating the child yield arising from the development shall then be implemented in accordance with the agreed scheme.

REASON

To ensure the development provides an appropriate contribution to educational facilities within the surrounding area, arising from the proposed development, in accordance with policy R17 of the Hillingdon Unitary Development Plan and the Councils Supplementary Planning Guidance on Educational Facilities.

17 NONSC Non Standard Condition

No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

REASON

The site is of archaeological interest and it is considered that all evidence of any remains should be recorded in accordance with Policy BE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

18 NONSC Non Standard Condition

Notwithstanding the details shown on Drwg. No. 2.06 Rev. D, prior to the commencement of works on site, full details of the siting and design of the provision to be made for the screened and secure storage of refuse/recycling on collection days towards the front of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

REASON

To ensure that adequate facilities are provided, to safeguard highway safety and the visual amenities of the area, in accordance with policies BE4, BE13, BE19 and H7(ii) of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

19 NONSC Non Standard Condition

Notwithstanding the details shown on Drwg. No. 2.06 Rev. D, prior to the commencement of works on site, revised details of the vehicular crossover, in lieu of the bell mouth, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved revised details.

REASON

To ensure that adequate facilities are provided in order to safeguard highway safety and the visual amenities of the area, in accordance with policies BE4, BE13, BE19 and H7(ii) of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

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

OL5	Development proposals adjacent to the Green Belt
BE3	Investigation of sites of archaeological interest and protection of archaeological remains
BE4	New development within or on the fringes of conservation areas
BE10	Proposals detrimental to the setting of a listed building
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.
H12	Tandem development of backland in residential areas
R17	Use of planning obligations to supplement the provision of recreation leisure and community facilities
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Residential Layouts Accessible Hillingdon
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
LPP	London Plan (February 2008)
SPG	Supplementary Planning Document: 'Planning Obligations' July 2007
OE1	Protection of the character and amenities of surrounding properties and the local area

3 I1 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

4 I2 Encroachment

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

5 I3 Building Regulations - Demolition and Building Works

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

6 I6 Property Rights/Rights of Light

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

7 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 should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

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

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

8 I45 Discharge of Conditions

Your attention is drawn to condition(s) 2, 4, 5, 10, 12, 13, 14, 15, 16, 17, 18 and 19 which must be discharged prior to the commencement of works. You will be in breach of planning control should you commence these works prior to the discharge of this/these condition(s). The Council may consider taking enforcement action to rectify the breach of

this condition(s). For further information and advice contact - Planning & Community Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250230).

9 I46 **Renewable Resources**

To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO₂) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.

10

The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

11

The applicant is advised that the houses should be fitted with a food waste grinder included as standard as part of the kitchen sink unit to allow residents to indirectly recycle their food wastes by grinding it and washing it down into the waste water system for composting by the relevant water company.

12

In respect of Condition 16, you are advised that the Council considers that one way to ensure compliance with this condition is to enter into an agreement with the Council to ensure the provision of additional educational facilities locally proportionate to the needs arising from the development.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises No.54 Swakeleys Drive and its extensive rear garden. The site is located on the northern side of Swakeleys Drive, which is mainly characterised by large detached properties and semi-detached houses set back from the road frontage with long rear gardens. The area has an open character and appearance. The eastern boundary of the application site abuts the side boundary of No.52 Swakeleys Drive and the rear gardens of Nos.2-12 (evens) Vyners Way, a more modern residential cul-de-sac. The western boundary of the site abuts a gated, tree-lined drive, which runs northwards to Swakeleys House, a Grade 1 Listed Building set in 1.2 hectares of grounds to the rear of the application site. The main entrance to Swakeleys House can be seen from quite a distance as it is approached from The Grove. The gated entrance is set back off the road with a deep grass verge creating an attractive green setting from which to view the house. The main gate is kept locked and opened only occasionally. The drive to Swakeleys House is located within the 'developed area' as identified in the saved UDP, with the grounds of Swakeleys House, immediately to the north of the application site forming part of the Green Belt. The grounds connect to the green open space of the River Pinn to the west. The application site, surrounding residential properties and Swakeleys House and its grounds also form part of the Ickenham Village Conservation Area.

3.2 Proposed Scheme

Planning permission is sought to erect 2, four-bedroom detached houses within the rear garden of No.54 Swakeleys Drive. The proposed houses would be arranged in a tandem

layout, served by an access road located immediately to the west of No.54, adjoining the western boundary of the site that abuts the gated entrance to Swakeleys House. The access drive would have an overall length of approximately 70m to the gated entrance to the rear house (Plot 2).

An L-shaped house is proposed on the southern plot (Plot 1) with a maximum width of 11.7m and depth of 8.85m to include a front projecting bay window. It would be 8.55m high to the ridge of the roof. It would have a detached double garage to the front, 5.2m wide by 5.8m deep, 3.7m high to the ridge of its hipped roof. The proposed house on Plot 2 would have a cat-slide roof on its eastern side and be 11.9m wide and 8.3m deep which also includes a front projecting bay window, 8.2m high to the ridge of its hipped roof.

Various supporting documents have been submitted with the application, including an arboricultural report and a report on the impact upon the character of the Ickenham conservation area and setting of Swakeleys House. The latter describes the site and explains the history of Ickenham and relates this to its present day character. The proposed development is described and its impacts upon the conservation area and Swakeleys House are assessed. It goes on to say that the setting of Swakeleys is suburban in form and its boundaries are the back gardens of properties which have been built on land that once formed its park prior to the 1920s. The row of trees alongside No.54 do not appear to be the original trees in the avenue that once existed in this part of the park. The development would have no greater impact on the setting of Swakeleys House than the existing houses in Vyners Way and the proposed driveway would simply reflect the existing drive to the Wayfarers Tennis Club on the other side of Swakeleys gated drive. The report concludes by saying that there would be no adverse impact on the character of Ickenham conservation area or the setting of Swakeleys House.

3.3 Relevant Planning History

Comment on Relevant Planning History

53998/APP/2006/3021 - Erection of 2, four-bedroom detached dwellinghouses with detached garages and 1 five-bedroom detached dwellinghouse with roofspace accommodation and detached garage, in a linear layout served by a new access road between Nos. 52 and 54 Swakeleys Drive - Withdrawn.

53998/APP/2007/711 - An application for the erection of a 3, four-bedroom detached dwellinghouses with integral garages, associated landscaping and access drive with turning head (involving refurbishment of No. 54 Swakeleys Drive) was refused on the 22/10/07.

53998/APP/2008/1756 - An application for the erection of 2, four-bedroom dwellinghouses with detached garages, associated landscaping and access drive with turning head (involving refurbishment of No. 54 Swakeleys Drive) was refused on the 5/11/08 for the following reasons:

1. The proposal, by reason of its proximity to the open grounds of Swakeleys House, which is situated within the Green Belt, would result in a conspicuous form of development, which would unacceptably encroach into the open setting of Swakeleys House, a Grade 1 Listed Building. The proposal would therefore detract from the visual amenities of the adjoining Green Belt and the setting of the Grade 1 Listed Building contrary to Policies BE10 and OL5 of the Borough's adopted Unitary Development Plan Saved Policies September 2007 and PPG15 (Planning and the Historic Environment).

2. The proposed houses by reason of their tandem layout would result in an incongruous

form of development which would be out of keeping with the existing street layout and the open character and appearance of surrounding properties, being detrimental to the visual amenities of the street scene and surrounding area. As such, the proposal would fail to preserve, or enhance the character and appearance of Ickenham Village Conservation Area and would be contrary to policies BE4, BE12, BE13, BE19 and H12 of the Borough's adopted Unitary Development Plan Saved Policies September 2007.

3. The proposed driveway by reason of its proximity close to the proposed houses and 54 Swakeleys Drive would result in noise nuisance to the detriment of the existing and future occupiers, contrary to Policies H12 and BE24 of the Borough's adopted Unitary Development Plan Saved Policies September 2007.

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

An appeal was subsequently dismissed on the 7/04/09.

53998/APP/2008/3195 - An application for the erection of a two storey, four-bedroom detached dwelling to include a detached garage to the front, associated parking and alterations to existing driveway - Approved 30/12/08.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- | | |
|--------|---|
| PT1.8 | To preserve or enhance those features of Conservation Areas which contribute to their special architectural and visual qualities. |
| PT1.10 | To seek to ensure that development does not adversely affect the amenity and the character of the area. |
| PT1.16 | To seek to ensure enough of new residential units are designed to wheelchair and mobility standards. |

Part 2 Policies:

- | | |
|------|--|
| OL5 | Development proposals adjacent to the Green Belt |
| BE3 | Investigation of sites of archaeological interest and protection of archaeological remains |
| BE4 | New development within or on the fringes of conservation areas |
| BE10 | Proposals detrimental to the setting of a listed building |
| 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.
H12	Tandem development of backland in residential areas
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Residential Layouts Accessible Hillingdon
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
LPP	London Plan (February 2008)
SPG	Supplementary Planning Document: 'Planning Obligations' July 2007
OE1	Protection of the character and amenities of surrounding properties and the local area

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **29th July 2009**

5.2 Site Notice Expiry Date:- **29th July 2009**

6. Consultations

External Consultees

36 neighbouring properties have been consulted and the application has been advertised as affecting the character and appearance of the Ickenham Village Conservation Area. 10 individual responses have been received, making the following comments:

- (i) In-fill development should not be allowed on the Swakeleys Estate as it sets a precedent.
- (ii) Yet another application that is substantially the same as previous applications, including one dismissed at appeal.
- (iii) Proposal fails to take account of the detrimental effect of the proposed driveways either side of No.54. This property forms part of the appearance of the entrance to Swakeleys House and the 5.4m drive to the proposed new dwelling is wider than previous application and is in all but name a road being same width as Vyners Way. Combined width of refurbished drive plus the new access road account for about 35% of the plot, even without considering the new wider 17m entrance from Swakeleys Drive.
- (iv) Widening of the entrance would be detrimental to the ancient TPO'd Oak at the front.
- (v) Cosmetic effect of the new hedges along the boundary with Swakeleys House would not mitigate detrimental impact on the aspect of the driveway into Swakeleys House.
- (vi) Backland development will harm character of one of the older properties in the Ickenham Village Conservation Area.

- (vii) This particular location is at one of the key views of Ickenham, namely Swakeleys gate and drive. Conservation Area has always had anomalies since it was created in 1972 after inconsistent developments had already been created. The applicant's environmental planning consultant's reasoning is somewhat invalid. For instance, Vyners Way built in 1930s. Conservation Area created to prevent further diminution of the character of the area, greatly valued by residents.
- (viii) Proximity of new roadway and dwelling inside the Swakeleys Manor driveway will be detrimental.
- (ix) Proposal will exacerbate existing traffic congestion.
- (x) Ickenham does not need any more houses.
- (xi) Proposal represents tandem development, contrary to UDP policy and HDAS guidelines.
- (xii) Noise and nuisance to occupiers of No.54 Swakeleys Drive.
- (xiii) Tree survey does not include a site plan so unable to comment on this document.
- (xiv) Proposal would place great strain on services that would be required for an increased population.
- (xv) Owners of the property probably do not live locally and only want to make as much money as possible without any consideration.

A petition with 26 signatories has also been received, objecting to the proposal for the following ground:

'We, the undersigned, fully support the Ickenham Residents' Association in their objective of ensuring that the wishes of its members as well as the wishes of the people of Ickenham in general, are heard and understood by the London Borough of Hillingdon's North Planning Committee, when considering the proposal at the above address to build a tandem development in the Ickenham Conservation Area adjacent to the historical building of Swakeleys House, by voicing concerns, and asking the North Planning Committee to refuse the application.'

Ickenham Residents' Association

- (i) This is the fifth application for the development of this site with little difference in the principal of each successive application.
- (ii) Backland development
- (iii) Tandem development
- (iv) Proposal would detract from setting of Swakeleys House,
- (v) The entry/egress to and from this development site is onto a heavily used commuter route accommodating a bus service,
- (vi) Proposal would cause nuisance, disturbance and noise to residents who previously enjoyed a quiet open and private 'air' to their own back gardens.
- (vii) Inadequate access and turning for large emergency, refuse and delivery/removal vehicles.
- (viii) Majority of previous reasons for refusal are still relevant though there has been a reduction of scale of the development, with only one additional house.
- (ix) Garage on the approved application has been removed, replaced with parking spaces.
- (x) 'Pinch point' and slowing ramps on the drive to the rear houses is immediately to the side of the existing house - potentially causing maximum noise and general disturbance,
- (xi) Imperative that consideration is given to reasons for refusal of three previous applications and the Inspectors appeal.
- (xii) We are concerned at the number of times applicants can keep submitting proposals, each being slightly watered down in an effort to 'wear down' the resolve of both the LPA and local residents.

English Heritage:

This application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

English Heritage (Archaeology):

Original concerns were stated as follows for 53998/APP/2008/1756:

The site is situated within the Drive leading to Swakeley's Manor, which is known from the 12th century, although the present house dates to 1629 - 38. The full extent of the earlier manorial holdings is unknown, and whilst the present house is likely to be built on top of or very near to the medieval manor, gardens, outbuildings, and other aspects of a large estate would have been in use from a very early period. Such features may well be represented underneath the above application area, and this development proposal provides an important opportunity to investigate and understand the early estate.

Recommend that the standard PPG16 condition be added to any consent granted. The recommended wording is:

Condition: 'No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.'

Informative: 'The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.'

Internal Consultees

CONSERVATION OFFICER:

BACKGROUND: Approval has already been granted for the house immediately to the rear of no 54. A similar scheme to that proposed (for two houses) was refused planning permission (ref 1756) and an appeal with regard to this was dismissed- the Inspectors decision letter, dated 7 April 2009, noted the principal reason for refusal as the impact on the setting of the listed building.

Our concerns remain as before and the Inspectors comments support our position in terms of the impact of the second house on the setting of Swakeleys House (grade I listed) and the driveway to it.

The proposed second house would infill the remaining open space to the rear of no 54. On the opposite side of the driveway are tennis courts, which are low key and whilst they can be seen from the drive, do not have an adverse impact on its setting. Thus the drive currently has an open setting to both sides at this end.

The second of the proposed houses has no additional screening to the rear boundary with Swakeleys House - noted as requirement in paragraph 6 of the Inspectors report and hence would be visible from the house. It would still require a wide access drive (2.8m), with a strip of land on the boundary, which appears not wide enough to contain any additional tree screening of note. These would be a necessity in order to protect the views along the driveway to Swakeleys House. It should be noted, however, that tree screening should not be relied on to screen inappropriate development and in our view the rear of the site should remain as open space.

RECOMMENDATIONS: Unacceptable

Comments on Revised Proposal

I remain concerned at the proposed addition of a second property to the rear of the site. However, given the recent Inspectors views with regard to the existing character of the setting of Swakeleys House and in particular the comments with regard to the visibility of the existing buildings adjacent to this site; provided the additional house can be properly screened from Swakeleys House and its

parkland setting, and maintained as such, I would not wish to raise any further objection to this proposal.

Can we please ensure that the materials for the new building are conditioned so we can agree samples -a dark toned structure will more easily merge into the background than one which has render, bright red tiles etc.

Also, can we condition the landscape both hard and soft, across the site, on the boundaries as required to screen the house and drive and also to the front of the site. At present the access has been divided with fence and no planting, which looks very stark.

TREES AND LANDSCAPE OFFICER:

THE PROPOSAL

The proposal is to build two, four- bedroom detached houses, with a double garage, associated parking and a new access road. This submission includes minor amendments to a scheme which was previously refused (ref. 2008/1756). Drawing No. 2.10 indicates areas of change between the previous and current layout proposals. These changes improve the relationship of the external works (hard surfacing) with the root protection areas (RPA's) of retained trees T12, T13 and the existing boundary planting on the western edge of the site.

According to the proposed layout drawing ref. 2.06 Rev A several of the better quality trees will be retained as part of the scheme. There is also space and opportunity for new planting and landscape enhancement - including the replacement of trees.

I note that the driveway running parallel with the west boundary continues to be shown at 4.1 metres in width. Advice received confirmed that the driveway width of 4.1 metres could be reduced to 2.75/3.6metres. The space saved would benefit the tree and hedge retention on the west boundary and provide further opportunity for reinforcing the screen planting on this boundary.

RECOMMENDATION

If you are minded to approve this application I have no objection subject to conditions TL1, TL2, TL3, TL5, TL6 and TL21.

Comments on Revised Proposal

The re-submitted drawing Nos. 3208.SCH.2.06 Rev C and 2.12 address the main issues regarding the landscape and how it can be used to reduce the visual impact of the new buildings (particularly plot 2). Amended details include the narrowing and re-alignment of the shared driveway and the acknowledgement of the need to reinforce the planting along the northern and western boundaries.

The 'hedging notes' (A-F) make repeated reference to evergreen hedging species - which are required but will take some time to mature and provide an effective visual screen. Furthermore, although some of the existing hedging is tall, it is not realistic to assume that all new formal hedging will be grown - and maintained - at 6-8 metres. More reasonable to assume a dense/evergreen hedge height of say, 3.0-4.0 metres, and above that height to use tree canopies to filter views of the first floor and roof levels.

If some new trees are added to the plan on the north and west boundaries, the information should be sufficient for the LPA to condition the final planting details -which should be specified by a landscape specialist.

Further to the receipt of drawing No. 3208.SCH.2.06 Rev D and 2.14, can confirm that the amended drawings reflect the suggested landscape amendments discussed.

There are no objections to this proposal, subject to conditions TL5, TL6 and TL7.

HIGHWAYS OFFICER:

These comments are based on Drg. No. 2.06 Rev D.

The revised internal access road layout is acceptable subject to a Condition requiring details of new cross over (in lieu of a bell mouth) to be submitted to the LPA and approved prior to the commencement of the development.

The 2.8 metre wide pinch points in the carriage width comply with the Manual for Streets guidance in respect of fire engine and lorry access.

No objections are raised on highway grounds.

EDUCATION SERVICES:

There will be a requirement for a S106 contribution of £32,732, comprising £2,313 Nursery, £11,890 Primary, £12,919 Secondary and £5,310 Post 16.

WASTE AND RECYCLING CO-ORDINATOR:

The houses should incorporate storage provision for an average of 2 bags of recycling and 2 bags of refuse per week plus 3 garden waste bags every 2 weeks.

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

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Government policy as set out in Planning Policy Statement 3: Housing seeks to concentrate most additional housing development within urban areas and make more efficient use of land by maximising the re-use of previously developed land. There is therefore no objection in principle to the development of the site subject to the proposal satisfying other material planning considerations and the policies within the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007), having regard to the planning history of the site.

7.02 Density of the proposed development

The site has a PTAL of 1a, which is considered to be remote within a suburban context. Taking this into account, the London Plan density guideline is 150 to 200 habitable rooms per hectare (hr/ha) or 35 to 55 units per hectare (u/ha) as the appropriate capacity for the site.

The two new houses would have an approximate density of 80hr/ha and 10u/ha. Although this is below the density guidelines advocated by the London Plan, it is considered that a refusal of permission on this ground would not be appropriate, given the character of the surrounding area and sensitivity of the site, close to the listed Swakeleys House.

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

The proposed development would result in the existing property and two additional dwellings sited adjacent to a driveway entrance to Swakeleys House which although gated, does provide an open vista towards the grounds of the house immediately adjacent to the

north of the application site. The open setting of Swakeleys House, which forms part of the Green Belt, is surrounded by suburban development which has to some extent, compromised its open setting. However, Swakeleys House remains very recognisable as a country house set in open land at the end of a tree lined drive.

In considering the previous appeal, the Inspector, bearing in mind that a single house in the same position and of the same design as proposed house 1 had already been granted permission, mainly confined her consideration to the additional dwelling on plot 2. The Inspector acknowledged that the house would extend no closer to the curtilage of Swakeleys than neighbouring properties, namely Nos.12, 14 and 16 Vyners Way and with the retention and strengthening of boundary planting, would be less intrusive visually to the setting of the listed building than those properties. The Inspector went on to say that nevertheless, the proposed access drive would run parallel to the Swakeleys drive/ride initially along that approved for the development of a single house but would involve a widening of the access near the dwelling on plot 1 to bring it closer to the boundary and an extension of the drive by over 32m to a proposed double garage serving the house on plot 2. The proposed drive would be about 1m from the boundary with the entrance drive/ride to Swakeleys. The Inspector went on to say that although this boundary has the benefit of some hedging within the appeal site and within the grounds of Swakeleys, the scale of the drive would allow refuse and emergency vehicles to access the whole length and turn and would lead to an intrusive development. This would be compounded by the garage, which would project a further 6m from the rear of the house on plot 2, extending development further along the drive/ride. The Inspector considered that the limited separation from the side boundary would not be sufficient to allow sufficient planting to mitigate the visual intrusion.

The Inspector went on to say that the drive/ride adjoining the appeal site may not have been the principle entrance into Swakeleys but it appears to have been along the route of a former drive/ride through an avenue of trees. The Inspector did not consider the 20th century sale of the parkland for suburban development or the replacement of trees on the avenue makes the access drive/ride any less important to the setting of the Listed Building. She noted that there is other development that impinges harmfully on the open setting of Swakeleys but this is not justification for further development that would harm the open setting to Swakeleys as viewed/entered from Swakeleys Drive.

The Inspector concluded that the proposal would fail to preserve the setting of Swakeleys and that this harm could not be overcome with conditions as the proposal would leave inadequate space within the site for sufficient soft landscaping to mitigate the harm.

The proposed houses would have an identical siting and design as compared to the scheme considered by the Inspector, although the detached garage on plot 2 has been omitted. In addition, the following amendments have been made:

(i) Radius of vehicular crossing reduced from 6.0m to 4.5m, reducing amount of hardstanding at front of the site.

(ii) The drive on this scheme would only project a further 1.5m along the boundary of the site as compared to the approved scheme, beyond which would be the gravelled drive and its turning area to the house on plot 2. This compares to the 32m additional depth of drive considered by the Inspector. In terms of the drive's width, the first 11m depth of the drive has been retained at 4.8m wide, as compared to the 16m depth at this width considered by the Inspector. This then reduces to 2.8m wide for a distance of 15m, instead of the 7.3m

length considered by the Inspector, after which it increases to a width of 3.2m as compared to the 4.8m width of the previous scheme, which would have tapered out to an overall width of 7m at the far end of the drive. In total, the area of shared drive has decreased from 680m² to 300m², a 56% reduction. If the private drive of the house on plot 2 is included, the total area of hardstanding reduces to 420m² or a 38% reduction.

(iii) The width of the landscaping on the side boundary with Swakeleys has increased from 1.6m wide adjacent to the front garden of No.54, gradually increasing to 5.6m wide adjacent to the proposed house on plot 2. This compares to the previous scheme which apart from the 1.3m wide landscaping strip adjacent to the pinch point at the side of No.54, had a width of 0.3m adjoining the rear of the pinch point, increasing to 1.2m adjacent to the house on plot 2. In addition to the enhanced hedge planting/landscaping along this boundary, the increased width of this landscaping buffer enables tree planting to be proposed along the additional depth of the drive. These trees will help to further screen the proposed house on Plot 2, particularly its first floor and roof. A drawing has been submitted to show the impact of this screening from the grounds of Swakeleys House. Additional tree planting is also proposed on the rear boundary of the site.

(iv) Bin collection provision has been made at the front of the site, which avoids the need for refuse vehicles to enter the site.

It is considered that the narrowing of the drive has enabled adequate space to be provided, which is considered to have overcome the Inspector's concern.

The Inspector also stated that the design of the proposed dwellings reflected the character of the surrounding area. Furthermore, although tandem development was not characteristic of the area, in this instance it was not harmful and could not be used as a reason to withhold permission.

As regards the archaeology of the area, a condition has been attached requiring that the site is fully surveyed prior to the commencement of work.

7.04 Airport safeguarding

N/A to this development.

7.05 Impact on the green belt

In considering the previous appeal, the Inspector acknowledged that the grounds of Swakeleys are within the Green Belt and having regard to national guidance, which advises that the visual amenity of Green Belts should not be injured by proposals for development within or conspicuous from them, concluded that the design and separation of the new houses was sufficient to ensure that they would not be so conspicuous as to cause harm. This scheme does not alter the siting, design or bulk of the proposed houses, other than to omit the rearmost detached garage, whereas boundary landscaping has been strengthened. As such, the proposal complies with policy OL5 of the UDP saved policies September 2007.

7.06 Environmental Impact

N/A to this application.

7.07 Impact on the character & appearance of the area

The impact of the proposal upon the character and appearance of the area has been dealt with in Section 7.03 above.

7.08 Impact on neighbours

The Council's Design Guide: 'Residential Layouts' at paragraphs 4.9 to 4.13 advises that it

order to prevent new development from appearing unduly dominant to surrounding properties and their gardens, adequate separation distances should be maintained and advises that as a minimum, two storey buildings should be separated by 15m from adjoining residential buildings. Also, adequate distance should be maintained to any area which may be overlooked and at least a 21m separation distance should be maintained between neighbouring habitable room windows. Paragraph 4.14 to 4.16 also advises of the need for garden space to be private, although it is considered that only the 3m deep section of rear garden adjoining the property that should be afforded greater privacy by not being directly overlooked within a 21m distance.

The front elevation of the house on Plot 1 would be over 30m from the rear elevations of Nos.54 and 52 Swakeleys Drive. Similarly, the east facing flank walls of the proposed houses 1 and 2 would be situated over 30m from the rear of the adjoining properties on Vyners Way. Given these separation distances, it is considered that the proposal would not adversely affect the residential amenities of surrounding properties by reason of dominance, loss of sunlight or privacy, in accordance with policies BE19, BE20, BE21 and BE24 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and meets the requirements of the Council's SPD: 'Residential Layouts'.

Policy H12 of the saved UDP states that proposals for backland development in residential areas will only be permitted provided no undue noise and disturbance is likely to be caused to adjoining occupiers. No.54 at the front of the application site has two small habitable room windows at ground and first floor level which would face towards the proposed access. The Inspector on the previous scheme considered that the domestic traffic associated with the development would not be such as to cause unacceptable harm to the occupants of this house, particularly as there would be speed restrictions adjoining the house. As such, it is considered that the scheme complies with policies H12 and OE1 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.09 Living conditions for future occupiers

In order for new residential units to afford a suitable standard of residential accommodation, the Council's Supplementary Planning Document (SPD) HDAS: Residential Layouts, advises that two storey, four-bedroom houses should have a minimum internal floor area of 92m². The internal floor area the proposed houses would be 140m² and 152m² respectively which is in excess of the Council's minimum requirements. The guidance in the SPD also states that the minimum size of amenity space for a 4-bedroom house should be 100m². The amenity space for the existing house No.54 would be 413m², with the proposed houses provided with private rear amenity space of 284m² and 631m² respectively, in excess of the Council's minimum requirements.

The SPD also advises that in order to prevent adjoining properties from appearing unduly dominant, two storey buildings should be separated by at least 15m from facing habitable room windows and these windows should not overlook or be overlooked by other habitable room windows within a distance of 21m to afford appropriate privacy. This separation distance should also apply to the private amenity space, taken to be the 3m deep area of rear garden adjoining the house. The nearest part of the house on Plot 1 would be sited some 31m from the rear elevation of No.54 and some 28m from the house on Plot 2 thus ensuring that the houses would not overlook one another. It is therefore concluded that all habitable rooms of the proposed houses would have adequate outlook, privacy and natural lighting and their amenity space is adequate to afford a suitable standard of residential amenity for their occupiers.

The proposal accords with policies BE20, BE21, BE23 and BE24 of the Hillingdon Unitary

Development Plan Saved Policies (September 2007) and relevant design guidance in terms of the residential accommodation provided.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposal would not give rise to additional traffic generation to justify refusal. The scheme provides for two off-street car parking spaces for the existing and each of the proposed houses, in line with the Council's Parking Standards. Amended plans have been received which increase the main width of the access drive from 2.8m on the approved scheme to 3.2m, but this is considered to be acceptable. The mouth to the access would maintain a kerb radius of 4.5m and the 4.875m wide section of the drive at the front of the site would allow vehicles to pass without interfering with vehicle movements on the highway. The provision of a bin storage area close to the site's entrance would allow refuse/recycling to be collected without any need for refuse vehicles to enter the site. As such, the Council's Highways Engineer considers that the proposal would not be prejudicial to highway and pedestrian safety and would comply with Policies AM7(ii) and AM14 of the UDP Saved Policies (September 2007).

7.11 Urban design, access and security

Urban design and access issues have been dealt with in Section 7.07.

7.12 Disabled access

A condition is recommended to ensure that the houses would be built to Lifetime Homes standards.

7.13 Provision of affordable & special needs housing

N/a to this application.

7.14 Trees, Landscaping and Ecology

The current application includes a Tree Survey, Arboricultural Impact Assessment and Tree Constraints Plan, prepared in accordance with BS5837:2005. The Council's Trees and Landscape officer considers that many trees (including the best) and other vegetation would be retained, and whilst no indicative landscape proposals have been submitted, there is clearly space and opportunity for landscape enhancement which can be conditioned. The Council's Trees and Landscape officer therefore considers that, or balance the application satisfies Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies September 2007. Reason for refusal 3 of the previous planning application ref: 53998/APP/2007/711 has therefore been satisfactorily addressed.

7.15 Sustainable waste management

A condition has been attached, requesting that details of the bin/recycling collection area are provided. An informative has also been attached, advising of the need to fit waste grinders to the kitchen sink units.

7.16 Renewable energy / Sustainability

A condition requiring an initial design stage assessment by an accredited assessor for the Code for Sustainable Homes and an accompanying interim certificate stating that each dwelling has been designed to achieve level 3 of the Code has been attached.

7.17 Flooding or Drainage Issues

There are no specific flooding or drainage issues associated with this application. A condition has been attached, requiring sustainable Urban Drainage (SUDS) measures.

7.18 Noise or Air Quality Issues

N/A to this application.

7.19 Comments on Public Consultations

As regards the individual responses received, points (i), (ii), (x) and (xv) are noted, but all applications have to be considered on their individual merits. Points (iii), (v), (vi), (vii), (viii),

(ix), (xi) and (xii) have been dealt with in the main report. As regards point (iv), the TPO'd Oak immediately at the front of the site (T2) is dead and no objection has been raised to its removal by the Council's Landscape Officer. In terms of point (xiii), a separate tree plan has been submitted (Drwg. No. 110/1). As regards point (xiv), any additional impact upon school capacity has been dealt with by condition. Any additional impact of two houses on other local services would not be significant.

As regards the points raised by the Ickenham Residents' Association, these have been dealt with in the main report.

7.20 Planning Obligations

Policy R17 of the saved UDP is concerned with securing planning obligations to supplement the provision of recreation open space, facilities to support arts, cultural and entertainment activities, and other community, social and education facilities through planning obligations in conjunction with other development proposals. These UDP policies are supported by more specific supplementary planning guidance.

Education services advise that a contribution of £32,432 is considered appropriate in order to cater for the increased demand placed on existing nursery (£2,313), primary (£11,890), secondary (£12,919) and post 16 (5,310) school places by the proposed development.

7.21 Expediency of enforcement action

N/A to this application.

7.22 Other Issues

There are no other issues that arise from 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

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

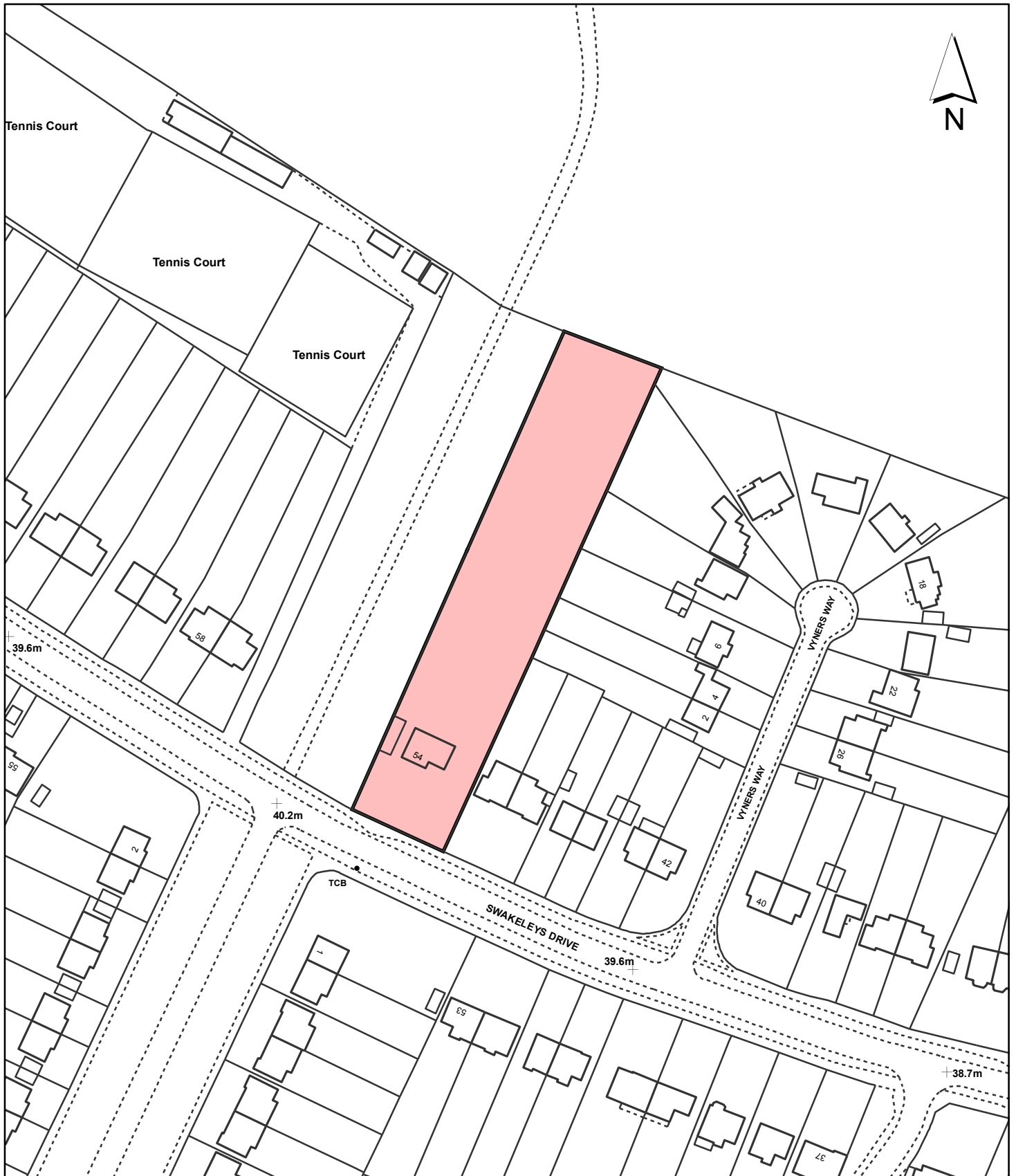
This scheme, with the reduction in the width of the access drive, omission of a detached garage at the rear of the site and enhanced landscaping and tree planting along the side and rear boundaries of the site would safeguard the open aspect of the setting of the adjoining Grade I listed Swakeleys House, including its tree lined drive/entrance at the side of the application site. This revised scheme is considered to have overcome the concerns raised by the Inspector on the previously refused application (53998/APP/2008/1756) and the application is thus recommended for approval.

11. Reference Documents


- (a) Planning Policy Statement 3 (Housing)
- (b) The London Plan (February 2008)
- (c) Hillingdon Unitary Development Plan Saved Policies (September 2007).
- (d) Hillingdon Design and Accessibility Statement - Residential Layouts
- (e) Supplementary Planning Guidance - Educational Facilities
- (f) Consultation responses
- (g) Planning history

Contact Officer: Richard Phillips

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Notes

 Site boundary

For identification purposes only.

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Site Address

**Rear of 54 Swakeleys Drive
Ickenham**

Planning Application Ref:
53998/APP/2009/1186

Planning Committee
North

Scale
1:1,250

Date
November 2009

**LONDON BOROUGH
OF HILLINGDON
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