

## Report of the Head of Planning, Sport and Green Spaces

**Address** LAND FORMING PART OF 26A WINDMILL HILL RUISLIP

**Development:** Single storey, 2-bed detached dwelling with habitable roofspace, associated parking and amenity space involving demolition of existing detached garage

**LBH Ref Nos:** 67242/APP/2015/188

**Drawing Nos:** 14-021-P03 Rev. A  
14-021-E02  
Planning, Design and Access Statemen  
RDW/WNH/AIM/02  
14-021-E01  
14-021-P01  
14-021-P07  
14-021-P02  
14-021-P03  
13-008-P03  
14-021-P06  
14-021-P05  
14-021-P04

**Date Plans Received:** 19/01/2015                      **Date(s) of Amendment(s):** 19/01/0015  
**Date Application Valid:** 02/02/2015                      19/01/2015  
30/01/0015

### DEFERRED ON 2nd June 2015 FOR FURTHER INFORMATION .

The application was deferred from the 2nd June 2015 North Planning Committee for further details in relation to the footprint of the previously dismissed scheme and for further comment on matters relating to trees and landscaping.

Further details regarding the footprint will be provided to committee within the presentation and this report has been updated to provide further comment on matters relating to trees and landscaping.

#### 1. SUMMARY

The proposal is for the erection of a detached two bed dwelling within the rear garden of No.26a Windmill Hill that runs adjacent to the highway. The new dwelling would be sited next to the neighbouring property at No.26 Windmill Hill and would be in the form of a chalet style bungalow.

It is considered that the principle of one new house on this site is acceptable, and that the proposed building and use would not be harmful to the character and appearance of the street scene, nor the amenities of nearby residents. Parking and highway safety matters and the protection of trees are also satisfactory. The application accords with the Council's planning policies and is therefore recommended for approval, subject to appropriate conditions.

The application is therefore recommended for approval.

## 2. **RECOMMENDATION**

### **APPROVAL subject to the following:**

#### **1 HO1 Time Limit**

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

#### REASON

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

#### **2 HO2 Accordance with approved**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, 14-021-P03 Rev. A, 14-021-E02, Planning, Design and Access Statement, RDW/WNH/AIM/02, 14-021-E01, 14-021-P01, 14-021-P07, 14-021-P02, 14-021-P03, 13-008-P03, 14-021-P06, 14-021-P05, 14-021-P04.

#### REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2015).

#### **3 RES7 Materials (Submission)**

No development shall take place until details of all materials and external surfaces, including details of balconies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

#### REASON

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

#### **4 RES5 General compliance with supporting documentation**

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Amenity space (Plan No.14/021-P02)

Parking (Plan No.14/021-P02)

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence.

#### REASON

To ensure that the development complies with the objectives of Policies AM14 and AM23 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

#### **5 HO5 No additional windows or doors**

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

walls or roof slopes of the development hereby approved.

**REASON**

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

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

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping

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

2. Details of Hard Landscaping

- 2.a Refuse Storage
- 2.b Means of enclosure/boundary treatments
- 2.c Hard Surfacing Materials
- 2.d External Lighting
- 2.e Details of leaf traps to the guttering

3. Schedule for Implementation

4. Other

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

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

**REASON**

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies BE13, BE38 and AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policy 5.17 (refuse storage) of the London Plan (July 2015).

**7 RES10 Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply

with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

#### REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and to comply with Section 197 of the Town and Country Planning Act 1990.

### **8 RES18 Lifetime Homes/Wheelchair Units**

All residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards.

#### REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (July 2015) Policies 3.1, 3.8 and 7.2.

### **9 RES24 Secured by Design**

The dwellings shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No dwelling shall be occupied until accreditation has been achieved.

#### REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (July 2015) Policies 7.1 and 7.3.

### **10 RES14 Outbuildings, extensions and roof alterations**

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

#### REASON

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

### **11 RES15 Sustainable Water Management (changed from SUDS)**

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in

accordance with the hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:
- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

#### REASON

To ensure the development does not increase the risk of flooding in accordance with Policy OE8 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (2015) Policy 5.12.

#### **12        RES6        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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

### INFORMATIVES

#### **1            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.

#### **2            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.

#### **3            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).

#### **4            15            Party Walls**

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

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

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

#### **5            16            Property Rights/Rights of Light**

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

#### **6            115            Control of Environmental Nuisance from Construction Work**

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

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

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

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

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

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

**7**            I47                    **Damage to Verge**

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

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

**8**

You are advised that you will need to make an application to the Council's Highways Department, 4 North, Civic Centre, High Street, Uxbridge, UB8 1UW for the relocation of the street lighting column.

**9**

All tree work should be carried out in accordance with the recommendations of BS3998:2010 'Tree Work-Recommendations'.

**10**

You are advised that the development hereby approved represents chargeable development under the Mayor's Community Infrastructure Levy. At this time the Community Infrastructure Levy is estimated to be £9,518.21 which is due on commencement of this development. The actual Community Infrastructure Levy will be calculated at the time your development is first permitted and a separate liability notice will be issued by the Local Planning Authority. Should you require further information please refer to the Council's Website [www.hillingdon.gov.uk/index.jsp?articleid=24738](http://www.hillingdon.gov.uk/index.jsp?articleid=24738).

**11**            I59                    **Councils Local Plan : Part 1 - Strategic Policies**

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

**12**            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).

**13**            I53                    **Compulsory Informative (2)**

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

AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
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.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 6.13	(2015) Parking
LPP 7.14	(2015) Improving air quality
LPP 7.2	(2015) An inclusive environment
LPP 7.21	(2015) Trees and woodland
LPP 7.3	(2015) Designing out crime
LPP 7.6	(2015) Architecture

### **3. CONSIDERATIONS**

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

The application site is located on the western side of Windmill Hill, some 25m to the north of its junction with West Hatch Manor, at a point where the road divides to form a central grassed island which acts as an elongated roundabout at the junction of Windmill Hill with West Hatch Manor and Old Hatch Manor.

The site currently forms approximately 20m depth of the rearmost part of the garden to No.26a Windmill Hill and contains a detached garage. No. 26a Windmill Hill is a detached gable end house with low side eaves with half dormer windows.

This is an established residential area which predominantly comprises similar detached properties of varying design. The site is located towards the top of a hill which does allow views out between the buildings towards the surrounding areas. This and neighbouring gardens contain a number of trees, one of which, an Ash on the boundary of the adjoining rear garden at No.33 West Hatch Manor, is protected by Tree Preservation Order No. 678.

The site lies within the Developed Area as identified in the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

#### **3.2 Proposed Scheme**



The application seeks planning permission to erect a chalet style dwelling with a gable ended roof in the rear garden area of No.26a Windmill Hill and set adjacent to No.26 Windmill Hill. The existing garage would be demolished.

The new plot forms part of the current rear garden of No.26a, which abuts Windmill Hill. The garden to the immediate rear of the donor property would be retained (retaining a depth of approximately 8m), with the existing garden being divided by a 1.8m high close boarded fence to create the new plot in the rear half of the existing garden.

The resultant new plot would have a width of 19m and a depth of 11m at its narrowest point, but due to the splayed nature of the road would have a frontage onto Windmill Road of 28m

The proposed dwelling would front onto Windmill Hill and would be of a chalet bungalow style, with a pitched roof with gabled ended front and rear of the building. A gabled roof is proposed on the south-east elevation. It would have a footprint of 62 square metres within the 276sq metre plot. The internal floorspace would be 91sq.metres.

The ground floor would comprise of an entrance hall, kitchen/dining, living room, study and WC facilities. On the upper floor, contained within the roofspace the accommodation would comprise two bedrooms and a bathroom. This would be served by five rooflights on either side of the roof slope and a dormer window and gabled window on the front elevation. Elevations are proposed to be white render, with a red tiled roof.

The amenity space would be located to the rear and side of the property, totalling some 100m<sup>2</sup> in area and retaining 85m<sup>2</sup> of private amenity space for No.26A.

A car parking space would be provided to the front of the building and adjacent No. 26 Windmill Hill. The proposed car parking area is indicated as being provided in the form of a recycled, inter-locking plastic grid system allowing the driveway to be permeable and self draining whilst also allowing grass to naturally grow through.

The application is a resubmission of planning application 67242/APP/2013/2580, which was dismissed at appeal. The current scheme differs from the previously refused scheme by extending the width of the property, removing a rear gable window and adding a front dormer window. The proposal would also increase from a one-bed to a two-bed dwelling.

### 3.3 Relevant Planning History

67242/APP/2011/145 Land Forming Part Of 26a Windmill Hill Ruislip

Two storey, three-bedroom, detached dwelling with associated parking and amenity space and installation of vehicular crossover to front of No 26a

**Decision:** 22-04-2011 Withdrawn

67242/APP/2011/2651 Land Forming Part Of 26a Windmill Hill Ruislip

One storey, 1-bed, detached dwelling with habitable roofspace with associated parking and amenity space involving demolition of existing detached garage

**Decision:** 02-02-2012 Refused **Appeal:** 18-09-2012 Dismissed

67242/APP/2013/2580 Land Forming Part Of 26a Windmill Hill Ruislip

Single storey, 1-bed, detached dwelling with habitable roofspace with associated parking and amenity space involving demolition of existing garage

**Decision:** 11-11-2013 Refused

**Appeal:** 12-09-2014 Dismissed

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

67242/APP/2013/2580: An application for single storey, 1-bed, detached dwelling with habitable roofspace with associated parking and amenity space involving demolition of existing garage, which was dismissed at appeal. The inspector concluded "the proposed development would, due to its narrow building width and thereby incongruous built form, harm the character and appearance of the surrounding area. I consider the plot size and openness would be acceptable and that the protected tree would not be unreasonably harmed by the proposal but these positive aspects are outweighed by the harm caused by the appearance of the proposed dwelling."

67242/APP/2011/2651: An application for a one storey, 1-bed, detached dwelling with habitable roofspace with associated parking and amenity space involving demolition of existing detached garage, which was refused and dismissed at appeal.

67242/APP/2011/145: An application for a two storey dwelling on this site was submitted but subsequently withdrawn by the applicant in April 2011.

41245/A/89/1934: Whilst not in relation to this application site, this application in respect of 28 Windmill Hill was granted in April 1990, and relates to an infill property, now known as 28a Windmill Hill. The applicant cites that the current application is similar to this development. However, it should be noted that this was granted and constructed before currently adopted guidance and that the length of the plot is larger than that of the current application.

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

The proposed development is assessed against the Development Plan Policies contained within Hillingdon Local Plan: Part 1, Saved Unitary Development Plan policies, the London Plan 2011, the NPPF and supplementary planning guidance prepared by both LB Hillingdon and the GLA.

#### **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.

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.
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.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
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LPP 7.3	(2015) Designing out crime
LPP 7.6	(2015) Architecture

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

12 adjoining and nearby properties notified of the application by means of a letter dated 3rd February 2015. A site notice was also displayed on 8th February 2015.

The application has been requested by a Councillor to be determined at committee and a petition received with 25 signatures objecting to the application.

Four letters of representations have been received with the following summarised objections:

1. Garden grabbing. If this application is approved it will set a precedent allowing other gardens to be developed surrounding this island thus changing this part of Ruislip.
2. Highway safety concerns.
3. This application is requiring branches to be cut to allow the build and is not keeping as stated in a previous application to not come beyond the rear of the existing garage as it was felt it would put pressure on the Ash tree.
4. Size of dwelling in this location - When walking up from Ruislip Manor to the top of Windmill Hill, the longitude island has a distinctive character of openness and a premium vision down to Ruislip Woods. The building of a new dwelling of this size in the back garden of 26a Windmill Hill would significantly reduce the openness and character of the area.
5. Afforded outlook - There is none to one of the bedrooms.
6. Roof skylights of bedroom and bathroom are overlooked/into from two windows on side elevation from number 26 Windmill Hill - These windows have openers.

Ruislip Residents Association:

We are writing in support of local neighbour concerns over this proposal which is considered to be 'back garden development' and if granted would lead to reduced distinctive openness between existing dwellings, impact on the existing tree line including protection of the tree with a TPO order in the adjoining garden of 33 West Hatch Manor, and would not be in keeping with the current street scene.

From a traffic point of view whilst given a dropped curb has been installed to promote better access to 26a there is no drive and a roundabout at this point could lead to additional dangers.

It would be appreciated if these views could be fully taken into account and having regard to previous applications submitted for this site would request that this latest application be put to full planning committee for decision.

(Officer comment: The above issues are discussed in the main body of the report).

### **Internal Consultees**

EPU comments:

No objection to the planning application.

Please note the highlighted comments below as informative

(1) INF 20 Control of environmental nuisance from construction work

Nuisance from demolition and construction work is subject to control under the Control of Pollution Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with:

(i) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays, Public or Bank Holidays;

(ii) All noise generated during such works should be controlled in compliance with British Standard 5228, and use "best practicable means" as defined in section 72 of the Control of Pollution Act 1974;

(iii) Measures should be taken to eliminate the release of dust, odors and other emissions caused by the works that may create a public health nuisance. Guidance on control measures is given in "The control of dust and emissions from construction and demolition: best practice guidelines", Greater London Authority, November 2006; and

(iv) No bonfires that create dark smoke or cause nuisance to local residents should be allowed at any time.

You are advised to consult the Council's Environmental Protection Unit to seek prior approval under Section 61 of the Control of Pollution Act 1974 if you anticipate any difficulty in carrying out the works other than within the normal working hours set out above, and by means that would minimise disturbance to adjoining premises. For further information and advice, contact the Environmental Protection Unit, 3S/02 Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW (tel. 01895 250155)

Highway comments:

a. An alternative off-street car parking space should be secured to compensate for the loss of existing garage for 26A Windmill Hill. I note a new crossover has been constructed (West Hatch Manor) but

cannot confirm whether the parking space has been provided.

b. There are no highway objections to the proposed development of the two bed detached dwelling and parking.

OFFICER COMMENT: The proposal shows the provision of 1 off-street parking space and associated hardstanding area for the proposed dwelling. Whilst the donor property would lose its garage as a result of the development, the property has off-street parking on an existing crossover from West Hatch Manor, which was given highway consent on 17.07.2013.

Access observations:

Permission is sought for the demolition of the existing detached garage and division of the plot for a chalet style 2 bedroom dwelling in the rear garden area of 26A Windmill Hill. The proposal is understood to include one off-street parking space.

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

The following access observations are provided:

1. Level access should be achieved. 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. A minimum of one bathroom on the first floor should be designed in accordance with Lifetime Home standards. At least 700mm should be provided to one side of the WC, with 1100 mm provided between the front edge of the toilet pan and a door or wall opposite.

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

4. The plans should indicate the location of a future 'through the ceiling' wheelchair lift.

Conclusion: revised plans should be requested as a prerequisite to any planning approval.

(Officer Comment: The imposition of a condition requiring compliance with Lifetime Homes standards would be adequate to secure the measures referenced by the Access officer and would be appropriate to secure compliance in this case).

Trees and Landscape comments:

TPO / Conservation Area: The site is adjacent to TPO 678

Significant trees / other vegetation of merit in terms of Saved Policy BE38 (on-site): There is a Silver Birch close to the boundary with 33 West Hatch Manor, however it is a low value tree and does not constrain the development.

Significant trees / other vegetation of merit in terms of Saved Policy BE38 (off-site): There is a large Ash (protected by TPO 678), a small Lawson Cypress and a Horse Chestnut adjacent to the site. The Ash is a high value tree, significantly contributes to the amenity and arboreal character of the area, and constrains the development of the site.

My previous concerns have been dealt with by the current submitted tree report, and there is no objection to the removal of the lowest limb (only) overhanging the site. However, the fact remains that Ash trees are ultimately very large, trees and there will still be inevitable pressure from any future occupants to remove or severely reduce the tree / its overhanging branches, which will be harmful to the tree's health, appearance and the long-term amenity and arboreal character of the area.

Conclusion (in terms of Saved Policy BE38): As it stands, this scheme is unacceptable because it will give rise to pressure to fell or reduce a high value protected Ash tree. The loss or heavy pruning of this tree would be harmful to the amenity and arboreal character of the area.

OFFICER COMMENT: The professional opinion of the Council's Trees and Landscape Officer is noted, however this has to be considered alongside the previous appeal decisions which were delivered by separate inspectors and are material planning considerations.

In respect of application 67242/APP/2011/2651 (appeal APP/R5510/A/12/2175095) the inspector concluded on this issue:

'In relation to the proximity of the tree to the building and its effects on the occupiers, the appellant states that leaf traps could be included in the design of the dwelling in order to ensure that debris from the tree does not affect the guttering. In relation to overshadowing, the tree would cast shade over part of the area that would be the garden, and over part of the building. The garden area is sufficiently large that undue pressure could be exerted for works to reduce or remove it. In relation to the rooms within the proposed dwelling, these are mainly double aspect and would receive light from other directions and would not be unacceptably affected by the tree. Therefore, in respect of this issue, it is considered that the proposal would not have an unacceptable effect on the Ash tree and would not lead to overriding pressure to significantly reduce or remove the tree. In this respect, the proposal complied with the aims of Policy BE38 of the UDP.'

In respect of application 67242/APP/2013/2580 (appeal APP/R5510/A/14/2212210) the inspector concluded on this issue:

'The crown of this tree has a high ground clearance and allows a significant degree of light through its branches. There is a living room and bedroom located at the south-western end of the proposed dwelling which would be closest to the protected tree. The living room would have a dual aspect facing towards both the south-east and south-west and the bedroom would be served by two rooflights. The absence of a significant degree of low branched near the proposed dwelling and the fenestration arrangements which would allow light and outlook from more than one direction in both of these rooms would mean that there would be acceptable levels of outlook within the dwelling.

There would also be an ample amount of outdoor garden space which would not be subject to tree cover or overshadowing. With these factors in mind I do not consider that there would be undue pressure places from future occupants of the proposed dwelling to undertake pruning works or even to seek the removal of the protected tree. This aspect of the proposed development would therefore comply with Policy BE38 of the UDP which seeks to retain and utilise landscape features of merit.'

Having considered the views, and reasoning, of the relevant consultee and Inspectors, officers are of the view that the proposal would comply with Policy BE38 and that refusal would not be justified.

## **7. MAIN PLANNING ISSUES**

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

Given the residential use of the surrounding area, no objection is raised to the principle of the development of this site for residential purposes, subject to the scheme complying with all of the Council's adopted policies and guidance.

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

Paragraph 4.1 of HDAS Residential Layouts specifies that in new developments numerical densities are considered to be more appropriate to larger sites and will not be used in the assessment of schemes of less than 10 units, such as this proposal. The key consideration is therefore whether the development sits comfortably within its environment rather than a consideration of the density of the proposal.

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

Not Applicable to this application.

### **7.04 Airport safeguarding**

Not Applicable to this application.

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

Not Applicable to this application.

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

Policy BE13 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) highlights the importance of designing new development to harmonise with the existing street scene whilst Policy BE19 seeks to ensure that new development within residential areas complements or improves the amenity and character of the area. Section 4.27 of the SPD: Residential Layouts, states careful consideration should be given to building lines, and these should relate well to the existing street pattern.

The area generally comprises a mix of houses and bungalows. The building would be set back from the front building line of the adjoining properties to the north, to provide a staggered relationship with the side elevation of No 26a Windmill Hill.

The Council's SPD: Residential Layouts, Section 5.11 states the form and type of development should be largely determined by its townscape context, and that it should relate to the scale and form of their surroundings. The proposal has increased from a one-bedroom property from the refused scheme to a two-bedroom property and increased the width of the property facing Windmill Road. This addresses the previous refusal reason and concerns raised by the planning inspector commenting "the proposed development would, due to its narrow building width and thereby incongruous built form, harm the character and appearance of the surrounding area."

The previous scheme designed the proposed house to follow the design of the existing garage. The current scheme has designed the proposed house with careful consideration of neighbouring houses, in terms of width, proportions, height and design.

It is considered that the development would have an acceptable impact on the local distinctiveness of the area in terms of design, scale, massing and layout. As such, the proposal would be in compliance with Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

### **7.08 Impact on neighbours**

With regard to the impact of the amenities in relation to loss of light, outlook, or over-domination to the adjoining occupiers, Sections 4.9 of the SPD: Residential Layouts, in relation to new dwellings, states all residential developments and amenity space should

receive adequate daylight and sunlight, including habitable rooms and kitchens. The daylight and sunlight available to adjoining properties should be adequately protected. Adequate distance should be maintained to overcome possible over-domination, and 15m will be the minimum acceptable distance.

The application would comply with this advice as there would be no properties situated directly to the rear of the proposal, and whilst the development would be situated to the rear of No. 26a, a distance of 15m would be maintained.

It is considered that the proposal would not cause an unacceptable loss of light or outlook to adjoining occupiers, given that the majority of the accommodation is contained at ground floor level only. First floor windows are in the form of rooflights on the roofslope and due to these windows at an angle, they would not directly overlook neighbouring properties. Therefore the proposal would in this respect comply with Policy BE24 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

With regard to any shadow that would be cast by the proposal, whilst some shadow may be cast on the rear gardens of neighbouring properties this would be minimal and not sufficient to warrant the refusal of planning permission on these grounds alone. The proposal therefore would accord with Policies BE20 and BE21 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

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

Section 4.7 of the SPD: Residential Layouts, states careful consideration should be given to the design of the internal layout and that satisfactory indoor living space and amenities should be provided. The London Plan, adopted in 2015, overrides the Council's space standards and this is a material consideration in this application.

London Plan Policy 3.5 seeks to ensure that all new housing development is of the highest quality, both internally and externally and in relation to their context.

The London Plan sets out the minimum internal floor space required for new housing development in order to ensure that there is an adequate level of amenity for existing and future occupants. Table 3.3 requires a 2 storey, 2 bedroom, 4 person dwelling, to have a minimum size of 83 sq.m. The proposed new dwellings would be approximately 91sq.m and would comply with the required standard resulting in a satisfactory residential environment for future occupiers, in compliance with Policy 3.5 and Table 3.3 of the London Plan and Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

Section four of the Council's HDAS: Residential Layouts states that developments should incorporate usable attractively laid out and conveniently located garden space in relation to the dwellings they serve. It should be of an appropriate size, having regard to the size of the houses and the character of the area.

The minimum level of amenity space required for a two bedroom house is 60sq.m of amenity space to meet the standard. The scheme provides some 100 sq.metres and would thus far exceed these standards.

The proposal would also result in the loss of a significant amount of amenity space for the donor property, which with 3 beds would normally be expected to have at least 60sqm of amenity space. Approximately 85sq.metres would be retained and parking provision would



be provided to the front of the property along West Hatch Manor.

The proposed bedrooms would have rooflights on the roofslope and a front window and would therefore not be overlooked by adjoining properties.

It is also considered, that all the proposed habitable rooms would maintain an adequate outlook and source of natural light, therefore complying with Policy 3.5 of the London Plan (2015).

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

The proposal shows the provision of 1 off-street parking space and associated hardstanding area for the proposed dwelling. Whilst the donor property would lose its garage as a result of the development, the property has off-street parking on an existing crossover from West Hatch Manor, which was given highway consent on 17.07.2013.

The proposal would therefore comply with the Council's approved car parking standards and Policies AM7(ii) and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

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

Urban design issues have been covered elsewhere in the report and with regard to access and security, conditions would ensure compliance with these requirements.

#### **7.12 Disabled access**

See section 7.11

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

Not Applicable to this application.

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

There is a large Ash (protected by TPO 678), a small Lawson Cypress and a Horse Chestnut adjacent to the site. The Ash is a high value tree, significantly contributes to the amenity and arboreal character of the area, and constrains the development of the site.

Previous concerns have been dealt with by the current submitted tree report, and there is no objection to the removal of the lowest limb (only) overhanging the site. The Planning Inspector commented there would be an ample amount of outdoor garden space which would not be subject to tree cover or overshadowing. With these factors in mind, it is considered that there would not be undue pressure placed from future occupants of the proposed dwelling to undertake pruning works or even to seek the removal of the protected tree. This aspect of the proposed development would therefore comply with saved policy BE38 of the Local Plan which seeks to retain and utilise landscape features of merit.

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

Although there is no requirement for proposals for residential houses with their own curtilages to show the provision to be made for refuse and recycling storage, the submitted plans do show hardstanding area for bins with a 2.2m high hedge screen and planting. This provision is considered adequate.

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

A condition is recommended to ensure that the utilisation of water within the dwelling is minimised in accordance with adopted planning policy.

#### **7.17 Flooding or Drainage Issues**

The site does not fall within a Flood Zone and therefore the proposed development is not at potential risk of flooding.

#### **7.18 Noise or Air Quality Issues**

Not Applicable to this application.

#### **7.19 Comments on Public Consultations**

None received.

#### **7.20 Planning Obligations**

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £35 per sq metre.

Therefore the Hillingdon & Mayoral CIL Charges for the proposed development of 364sq metres of additional floorspace are as follows:

Hillingdon CIL = £6,840.00

Mayoral CIL = £2,678.21

Total = £9,518.21

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

There are no enforcement issues.

#### **7.22 Other Issues**

None.

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

#### **General**

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

#### **Planning Conditions**

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

#### **Planning Obligations**

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale

and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

#### Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

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

<http://lbh-planora01:8081/PlanningOfficerModule2/collation?application=67242/APP/2015/188>

#### **10. CONCLUSION**

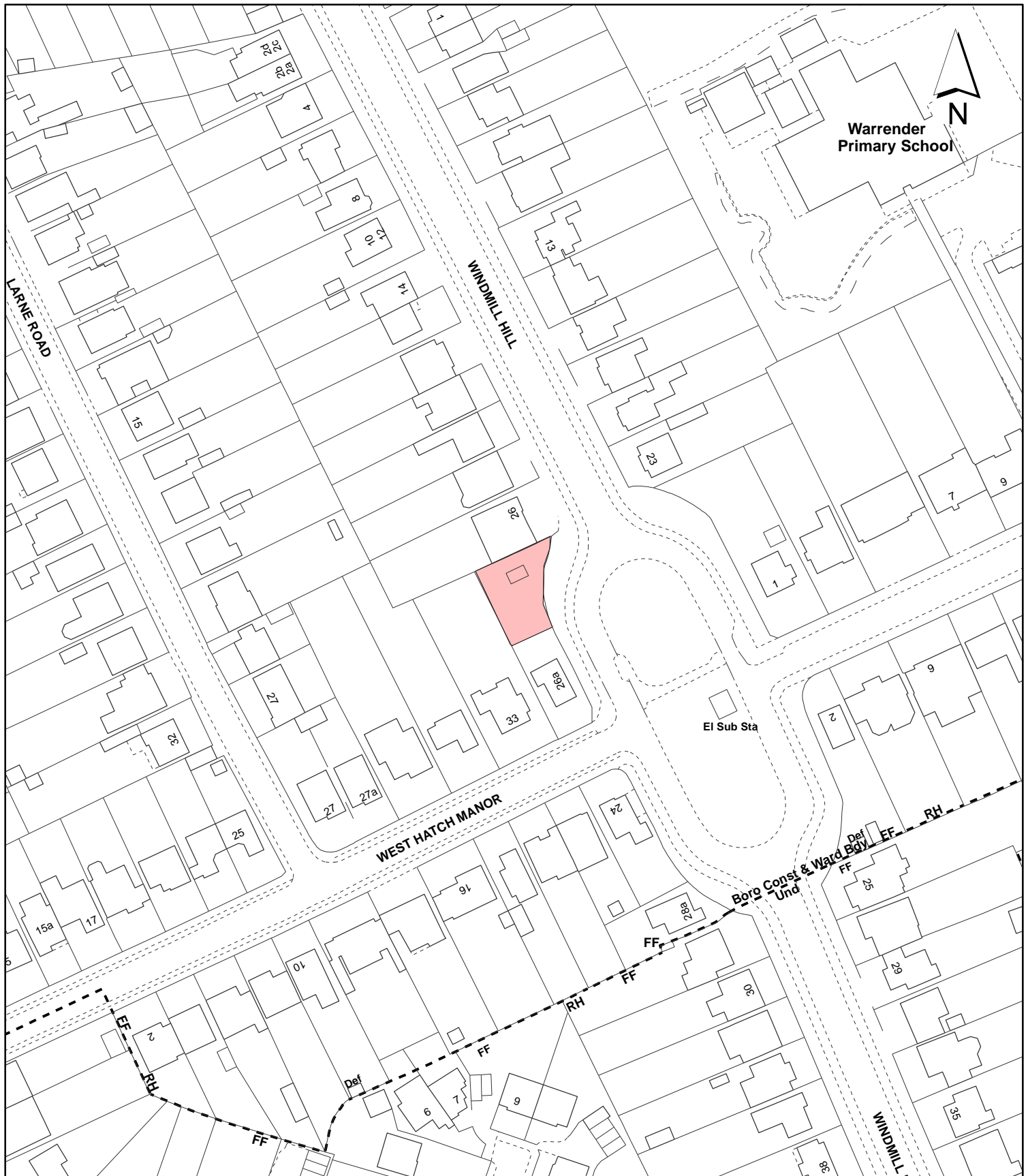
It is considered that the principle of one new house on this site is acceptable, and that the proposed building and use would not be harmful to the character and appearance of the street scene, nor the amenities of nearby residents. Parking and highway safety matters and the protection of trees are also satisfactory. The application accords with the Council's planning policies and is therefore recommended for approval, subject to appropriate conditions.

#### **11. Reference Documents**

Hillingdon Local Plan (November 2012)  
London Plan (July 2015)  
National Planning Policy Framework  
HDAS: Residential Layouts  
Supplementary Planning Guidance - Community Safety by Design  
Supplementary Planning Guidance - Noise  
Supplementary Planning Guidance - Air Quality  
HDAS: Accessible Hillingdon

**Contact Officer:** Mandeep Chaggar

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

For identification purposes only.  
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Site Address:

**Land forming part of 26A  
 Windmill Hill  
 Ruislip**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 250111

Planning Application Ref:  
**67242/APP/2015/188**

Scale:  
**1:1,250**

Planning Committee:  
**North**

Date:  
**July 2015**



**HILLINGDON**  
 LONDON