

Item No.4 Report of the Corporate Director of Planning & Community Services

Address LAND ADJACENT AND FORMING PART OF 19 TANGLEWOOD CLOSE
HILLINGDON

Development: Two storey attached one-bedroom dwelling.

LBH Ref Nos: 63470/APP/2009/238

Drawing Nos: DESIGN AND ACCESS STATEMENT
SB131.DWG 1 OF 3
SB131.DWG 2 OF 3
SB131.DWG 3 OF 3

Date Plans Received: 05/02/2009 **Date(s) of Amendment(s):**

Date Application Valid: 05/02/2009

1. SUMMARY

The proposal is for an attached house that would be set back from the front wall of the existing property. The dwelling has been off-set 1m from the boundary to overcome previous concerns regarding impact on the street scene and is now fully HDAS compliant. However, no off street parking has been provided, and therefore the proposal is considered contrary to the Council's approved car parking standards and UDP policy.

The proposal is therefore recommended for REFUSAL.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed dwelling would not provide off street parking, and therefore the development is considered to be deficient in car parking provision in relation to the Council's approved car parking standards, leading to additional on-street parking to the detriment of public and highway safety and therefore contrary to policies AM7(ii) and AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

3. CONSIDERATIONS

3.1 Site and Locality

The application site concerns a plot of open land located to the south and west of 19 Tanglewood Close, an end terrace property located at the southern end of Tanglewood Close, a residential cul-de-sac, which runs eastwards from the Uxbridge Road. To the west of No 19 is the southern turning head and grassed verge of Tanglewood Close. The road is characterised by terraced properties and the site is within a `developed area` as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

3.2 Proposed Scheme

The application seeks planning permission to erect a two storey 1-bedroom attached dwelling to the side of 19 Tanglewood Close. The proposed dwelling would be set back from the front building line by 1m. The dwelling would be 3.675m wide, and 9.225m deep, involving a 2.8m deep single storey rear projection. The dwelling would be finished with a pitched roof, matching the height of the host dwelling. The dwelling would be 4.8m to the eaves and 7.3m high to the ridge

3.3 Relevant Planning History

63470/APP/2007/2647 Land Adjacent To And Forming Part Of 19 Tanglewood Close Hillingdon
ERECTION OF TWO STOREY TWO-BEDROOM END-OF-TERRACE DWELLING.

Decision: 26-02-2008 Refused

Comment on Relevant Planning History

This is a resubmission of a previously refused application (63470/APP/2007/2647), which was refused due (i) to the development in relation to the boundary would result in a cramped form of development detrimental to the visual amenities of the street scene, (ii) there would be insufficient area of amenity space left for the existing occupiers of No 19, and (iii) the proposal would fail to provide parking within the boundary of the application site and therefore could not be controlled.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

- | | |
|------|---|
| BE13 | New development must harmonise with the existing street scene. |
| BE15 | Alterations and extensions to existing buildings |
| BE19 | New development must improve or complement the character of the area. |
| BE20 | Daylight and sunlight considerations. |
| BE21 | Siting, bulk and proximity of new buildings/extensions. |
| BE22 | Residential extensions/buildings of two or more storeys. |
| BE23 | Requires the provision of adequate amenity space. |
| BE24 | Requires new development to ensure adequate levels of privacy to neighbours. |
| BE38 | Retention of topographical and landscape features and provision of new planting and landscaping in development proposals. |
| AM7 | Consideration of traffic generated by proposed developments. |
| AM14 | New development and car parking standards. |
| HDAS | 'Residential Layouts' |

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

15 neighbours were consulted, and a petition of 26 signatures and 7 responses have been received, that made the following comments;

1. The development would result in a cramped over-development of Tanglewood Close, there are already enough houses in the close.

2. The Development would be detrimental to the visual amenities of the street scene.

3. This is a small close with a narrow entrance. Building a new dwelling will lead to more traffic trying to enter the close

4. Now that all the properties are occupied there is not enough space to cope with cars of the existing residents and their visitors. Although the proposed application proposes a dwelling that is one bedroom smaller, any future owners will only increase the problem. This will prejudice highway and pedestrian safety.

5. The proposed one bedroom house will not be appropriate as all others in the Close are two bedroom.

6. Tanglewood Close has already lost a number of green areas at this end of the close due to people paving over the areas in the front of their properties

7. The land is quite small, but I do not think the plans would cause a problem to the rest of the street other than for noise and traffic

8. Double glazing would keep the noise down (depending on weather if the windows are open or closed), the same goes for dust and dirt

9. Traffic is not too bad if they use small vehicles to deliver building materials, perhaps mid-morning, as school traffic is a problem for larger vehicles at certain times of the day.

10. We do not want the builder to concrete over more grass, as he did previously. We have already had a year of building work, mess and chaos and inconvenience at that time

11. I object on the grounds that it is too close to my chestnut tree, the lack of privacy in my back garden, and due to the properties having had their front gardens paved over my garden is experiencing excess water, and another property will exacerbate the situation.

The ward councillor has asked that the application be referred to the Central and South Planning Committee

Internal Consultees

Tree/Landscape Officer; The scheme is acceptable subject to conditions TL5 and TL6

Highway Engineer; The application cannot be supported as the plans indicate that parking for the development will be provided on street and is therefore not acceptable, and the proposal is therefore contrary to policy AM14 of the UDP

These comments are considered relevant to the determination of this application

Environmental Protection Unit: No objection subject to a construction site informative added to any permission issued in relation to neighbourly building practices.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The surrounding area is residential in character, comprising principally terraced housing. The principle of an additional house in this location is therefore considered appropriate, subject to the details of the scheme, discussed below. It should be noted that there is a terrace of 3 properties on the other side of Tanglewood Close.

7.02 Density of the proposed development

London Plan density policy is not considered relevant to this scale of development, which needs to be considered with reference to impact on the street scene, residents amenity and parking.

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

Not applicable - The proposal does not affect any of the above

7.04 Airport safeguarding

Not applicable - The site is not within a airport safeguarding area

7.05 Impact on the green belt

Not applicable - The proposal is not within the Green Belt

7.07 Impact on the character & appearance of the area

Section 4.27 of the SPD states careful consideration should be given to building lines, and these should relate well to the existing street pattern. It is considered the proposal would comply with this advice as the new dwelling would be set back 1m from the front building line of the adjacent dwelling and would appear as an additional staggered property on the end of the existing terrace, where there is already a staggered building line.

With regard to Policy BE22 of the Hillingdon UDP (Saved Policies, September 2007), two storey buildings should be set in a minimum distance of 1m from the side boundaries. The proposed house would result in a 1m gap to the side boundary. The proposed dwelling would follow the design of the host dwelling using the same eaves height and similar fenestration details, and would be finished with a pitched roof following the design characteristics of the surrounding properties. The additional dwelling would reflect the pattern of surrounding development, as 18-22 Tanglewood Close is a terrace of 3 properties, close to the boundary with Nicholls Avenue. It is considered that the scale of the proposed dwelling would not be out of character with surrounding properties. As such the proposal would not conflict with policy BE19 of the Hillingdon UDP (Saved Policies, September 2007). Furthermore the revised scheme no longer conflicts with HDAS guidance.

7.08 Impact on neighbours

With regard to the impact of the amenities on the adjoining occupiers, Sections 4.9 of the SPD: Residential Layouts, in relation to new dwellings, states all residential developments and amenity space should receive adequate daylight and sunlight, including habitable rooms and kitchens. The daylight and sunlight available to adjoining properties should be adequately protected. Where a two or more storey building abuts a property or its garden, adequate distance should be maintained to overcome possible over-domination, and 15m will be the minimum acceptable distance. This proposal would comply with this advice as there are no properties directly to the rear. Furthermore, due to the proposed siting of this dwelling, (set back 1m from the front building line of the host dwelling, and with a 1m deep two storey rear projection, and 2.8m single storey rear projection) it is not considered the proposal would cause an adverse affect by way of loss of outlook or light to the existing or adjacent properties. The two storey element would not conflict with a 45 degree line of sight taken from the existing properties habitable room windows and the single storey element would not exceed 3.1m in height. Therefore the proposal would comply with policies BE20 and BE21 of the UDP (Saved Polices September 2007) and the guidance within the SPD: Residential Extensions.

Due to the siting and orientation of the proposed and existing houses, it is not considered that the proposals would result in significant overshadowing or loss of light to neighbours. The proposal would therefore comply with Policy BE20 of the UDP (Saved Policies September 2007).

With regard to loss of privacy, there are no side facing openings shown on the proposed plans. If an approval were considered appropriate, a condition could be attached to restrict the insertion of any further openings, overcome any future overlooking concerns, and as such no material loss of privacy would arise. Therefore the proposal would comply with policy BE24 of the UDP (Saved Policies September 2007) and the SPD: New Residential Layouts: Section 4.12.

7.09 Living conditions for future occupiers

Section 4.7 of the SPD: Residential Layouts, states careful consideration should be given in the design of the internal layout, and that satisfactory indoor living space and amenities should be provided. The proposed internal floor space for the new dwelling would be 50.82m². The SPD states the minimum amount of floor space required for a 1-bedroom two storey house would be 50m² and therefore the proposal would comply with this advice.

With regard to the size of the garden, the SPD: Residential Layouts: Section 4.15 states that a one bed house should have a minimum garden space of 40m², and two and three bedroom properties should have a garden space of at least 60m², and the proposal would comply with this advice, with a rear usable garden area of 61m² for the existing dwelling and 64m² for the proposed new dwelling. Therefore the proposal would comply with this advice and with Policy BE23 of the Hillingdon UDP (Saved Policies, September 2007).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The proposal shows the provision of cycle parking in the rear garden, however no off street vehicle parking would be provided for the proposed dwelling. Therefore the development is considered to be deficient in car parking provision in relation to the Council's approved car parking standards, leading to additional on-street parking to the detriment of public and highway safety and contrary to policy AM7(ii) and AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.11 Urban design, access and security

This is discussed in paragraphs 7.07 and 7.10 above.

7.12 Disabled access

Disabled access will be provided at ground floor via the front and rear entrances. Disabled access will be provided to the ground floor WC, and a 0.9m wide staircase would support a stair lift. This is considered to satisfy Lifetimes Homes standards. Therefore the proposal would comply with Policy 3A.4 of the London Plan and the Council's HDAS: Accessible Hillingdon

7.13 Provision of affordable & special needs housing

Not applicable - the proposal does not meet the threshold to require the provision of this type of housing.

7.14 Trees, landscaping and Ecology

The Council's Trees and Landscape Section raise no objection to the proposal. The proposed layout plan shows the provision of a footpath across an existing grassed area. However, it is considered adequate soft landscaping would remain to ensure that the proposal would not be detrimental to the street scene. As such, the proposal is considered to comply with Policy BE38 of the Hillingdon Unitary Development Plan (Saved Policies, September 2007).

7.15 Sustainable waste management

Section 4.40 - 4.41 of the SPD: Residential layouts deals with waste management and specifies bin stores should be provided for, and wheelie bin stores should not be further than 9m from the edge of the highway. Whilst the layout plan shows an area to store recycling (this would be 19.5m away from the public highway, there is no provision shown for the storage of wheelie bins. However, it is considered, on these grounds alone it would not warrant the refusal of planning permission, therefore if members wish to approve this application these matters could be dealt with by way of a condition.

7.16 Renewable energy / Sustainability

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

7.17 Flooding or Drainage Issues

Not applicable - the proposal is not within a flood plain

7.18 Noise or Air Quality Issues

Not applicable

7.19 Comments on Public Consultations

The landscape officer has been consulted in respect of the existing trees on or close to the site and traffic issues are addressed in the full report. It is inevitable that there would be some disruption during any building works and these issues would be dealt with under the EPU of the local authority, health and safety legislation, or by the Local Police Authority. The remaining points are addressed in the full report.

7.20 Planning obligations

Presently S106 contributions for education are only sought for developments if the net gain of habitable rooms exceeds six. This proposal shows a net gain of 4 rooms and therefore this would not be applicable in this development.

7.21 Expediency of enforcement action

Not applicable

7.22 Other Issues

Not applicable

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of

these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

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

10. CONCLUSION

The proposal is for an attached house that would be set back from the front wall of the existing property. The dwelling has been off-set 1m from the boundary to overcome previous concerns regarding impact on the street scene and is now fully HDAS compliant. However, no off street parking has been provided, and therefore the proposal is considered contrary to the Council's approved car parking standards and UDP policy

11. Reference Documents


Hillingdon Unitary Development Plan Saved Polices September 2007
HDAS: New Residential Layouts: July 2006
The London Plan (2008)

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Notes

 Site boundary

For identification purposes only.

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Site Address	
Land adjacent and forming part of 19 Tanglewood Close Hillingdon	
Planning Application Ref: 63470/APP/2009/238	Scale 1:1,250
Planning Committee Central and South	Date April 2009

LONDON BOROUGH OF HILLINGDON

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