

Report of the Head of Planning & Enforcement

Address 39 AND 41 RUSHDENE ROAD EASTCOTE

Development: Revised layout plan for the site frontage involving a replacement crossover to access the off-street parking area and landscaping (amendment to application 51162/APP/2009/466)

LBH Ref Nos: 51162/APP/2010/124

Drawing Nos: 1:1250 Location Plan
TSG/41RR/PRK/CO1 Received 10th May 2010

Date Plans Received: 25/01/2010 **Date(s) of Amendment(s):** 25/01/2010
Date Application Valid: 17/02/2010 10/05/2010

1. CONSIDERATIONS

1.1 Site and Locality

The application site is situated on the east side of Rushdene Road and comprises a newly constructed two storey detached in-fill property with a hipped roof and front projecting gable. This newly constructed dwelling has an integral garage, and the frontage has yet to be completed. There is a beech tree covered by TPO No 614 situated in the front garden, set 1m back from the public footway. The street is characterised mainly by semi-detached properties and bungalows. The land in the locality is sloping with the land falling away in a south-easterly direction. The dwelling is within a 'developed area' as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

1.2 Proposed Scheme

The proposal is to retain the 1.25m high front boundary fencing and provide a revised layout for the frontage (amendment to application 51162/APP/2009/466) involving a dropped kerb, 4.9m wide at the property boundary and extending to 7.2m where it joins the road, to access two off-street parking spaces.

1.3 Relevant Planning History

51162/99/0399 Forming Part Of 39 Rushdene Road Eastcote Pinner
Erection of a five-bedroom detached house

Decision Date: 24-09-1999 Refused **Appeal:**

51162/APP/1999/2320 Forming Part Of 39 Rushdene Road Eastcote Pinner
ERECTION OF A FIVE-BEDROOM DETACHED HOUSE

Decision Date: 07-07-2000 Approved **Appeal:**
51162/APP/2000/1899 Forming Part Of 39 Rushdene Road Eastcote Pinner
ERECTION OF A FIVE-BEDROOM DETACHED DWELLINGHOUSE

Decision Date: 02-10-2000 Refused **Appeal:**27-FEB-01 Dismissed
51162/APP/2000/620 Forming Part Of 39 Rushdene Road Eastcote Pinner
ERECTION OF A FIVE-BEDROOM HOUSE

Decision Date: 07-07-2000 Refused **Appeal:**
51162/APP/2001/852 Forming Part Of 39 Rushdene Road Eastcote Pinner
ERECTION OF A FIVE-BEDROOM DETACHED HOUSE (INVOLVING GABLE ENDS)

Decision Date: 25-07-2001 Refused **Appeal:**04-DEC-01 Dismissed
51162/APP/2002/77 Forming Part Of 39 Rushdene Road Eastcote Pinner
ERECTION OF A FIVE-BEDROOM DETACHED DWELLING WITH INTEGRAL GARAGE

Decision Date: 27-05-2004 Refused **Appeal:**18-FEB-05 Dismissed
51162/APP/2005/2217 Forming Part Of 39 Rushdene Road Eastcote Pinner
DETAILS OF MATERIALS IN COMPLIANCE WITH CONDITION 6 OF PLANNING
PERMISSION REF:51162/APP/1999/2320, DATED 07/07/2000 (ERECTION OF A FIVE-
BEDROOM DETACHED HOUSE)

Decision Date: 18-03-2009 NFA **Appeal:**
51162/APP/2007/2544 Forming Part Of 39 Rushdene Road Eastcote Pinner
ERECTION OF A FIVE-BEDROOM DETACHED DWELLING WITH INTEGRAL GARAGE,
MODIFICATIONS TO PLANNING PERMISSION 51162/APP/1999/2320 DATED 7TH JULY
2000 (ERECTION OF A FIVE-BEDROOM DETACHED HOUSE) (RETROSPECTIVE
APPLICATION)

Decision Date: 11-03-2008 Refused **Appeal:**26-JAN-09 Dismissed
51162/APP/2007/512 Forming Part Of 39 Rushdene Road Eastcote Pinner
FIVE BEDROOMHOUSE

Decision Date: 05-11-2007 Withdrawn **Appeal:**
51162/APP/2008/425 41 Rushdene Road Eastcote
ERECTION OF A REAR CONSERVATORY (RETROSPECTIVE APPLICATION).

Decision Date: 22-04-2008 Refused **Appeal:**
51162/APP/2009/1286 41 Rushdene Road Eastcote
Variation of condition 4 of planning permission reference 51162/APP/2009/466, dated 05-06-
2009, to allow for alteration of the fenestration arrangement to the dormer window, involving
increasing the glazed area from a 2-light window to a 3-light window.

Decision Date: 24-08-2009 Withdrawn **Appeal:**
51162/APP/2009/1287 41 Rushdene Road Eastcote
Single storey rear extension.

Decision Date: 24-08-2009 Withdrawn **Appeal:**

51162/APP/2009/1288 41 Rushdene Road Eastcote

Single storey rear extension.

Decision Date: 24-08-2009 Withdrawn **Appeal:**

51162/APP/2009/1708 41 Rushdene Road Eastcote

Details of landscape scheme in compliance with condition 12 of planning permission ref.51162/APP/ 2009/466 dated 05/06/2009: Erection of a five- bedroom detached house with integral garage (Retrospective application.)

Decision Date: **Appeal:**

51162/APP/2009/285 Forming Part Of 39 Rushdene Road Eastcote Pinner

Conservatory to rear and conversion of roofspace for habitable use with a rear dormer (Application for a Certificate of Lawfulness for an existing use or operation or activity).

Decision Date: 02-03-2009 NFA **Appeal:**

51162/APP/2009/466 41 Rushdene Road Eastcote

ERECTION OF A FIVE BEDROOM DETACHED HOUSE WITH INTEGRAL GARAGE (RETROSPECTIVE APPLICATION)

Decision Date: 05-06-2009 Approved **Appeal:**14-DEC-09 Dismissed

51162/APP/2009/467 41 Rushdene Road Eastcote

Rear conservatory and dormer window (Application for a Certificate of Lawfulness for a existing use or operation or activity).

Decision Date: 02-04-2009 Withdrawn **Appeal:**

51162/APP/2010/246 41 Rushdene Road Eastcote

Single storey rear extension.

Decision Date: **Appeal:**

51162/APP/2010/247 41 Rushdene Road Eastcote

Single storey rear extension with glass panelling to rear

Decision Date: **Appeal:**

Comment on Planning History

The application site has a complex planning history, with the most recently approved application on this site resulting in a retrospective planning approval for erection of the dwelling, reference number 51162/APP/2009/466.

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- Not applicable

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

External:

29 Neighbours and interested parties consulted, one response has been received which makes the following comments:

1. Please note point 4 below, number 39 has been left without any rear access, has lost the garage, and is reduced to 1 parking space in a very small front garden which is not in keeping with the street scene. This house benefitted from a rear access before 41 was built. Drawings for 41 have always shown a shared access.
 2. As well as losing rear access, number 39 does not have any provision for bin storage. This is not acceptable.
 3. There are 2 bins shown for number 41, however in this neighbourhood it is not practise to have rubbish bins in the front gardens, we do not wish to see this practise here.
 4. Access to the rear of 39 should be supplied, and both 39 & 41 should have their rubbish bins in the rear garden as is general practise in the neighbourhood.
 5. The proposal for a metal rolling gate, is out of keeping with the area, this could also prove to be very noisy when in use and be disturbing to the neighbourhood.
 6. Application 51162/APP/2009/466 retrospective application was passed with two parking spaces one in the garage and one on the drive. This application is for three spaces, the two on the drive are very close together and gives the appearance of a parking lot.
 7. The planting on the boundaries between 39/41 and 41/43 is not workable. In fact if the proposed planting was put between 41/43 the residents of 41 would not be able to access the garage. The side garage wall is only a few centimetres from the boundary.
- We ask that this proposal in its present form be refused, that number 39 has a rear access re-instated, rubbish bins be removed to the rear of the properties. The metal roller gate be changed to straight forward opening gates. The number of parking spaces for 41 be reduced to two as per planning permission and a sensible planting scheme produced.

Officer comments - The works to the front of No.39 would be considered permitted development and therefore have been removed from the application. Amended plans have been received which show the rear pedestrian access for Nos. 39 and 41 as a shared access. This will allow both properties to store their rubbish in the rear garden and bring it out on the appropriate day. The metal rolling gate has been removed from the scheme. The previous application (51162/APP/2009/466) showed a large area of the frontage to be laid to hardstanding, and whilst formal spaces were not laid out, this area would have allowed for 2+ vehicles to be parked, as such this proposal is considered to represent an improvement allowing for larger areas of soft landscaping to be shown. The landscaping of the frontage is being dealt with under a separate 'discharge of conditions' application.

London Borough of Harrow - No objection raised

Ward Councillor - requests that the application be determined at the North Planning Committee.

Internal:

Waste Development Manager - The access to 41 Rusdene Road is controlled by the pedestrian and vehicle gates. The resident would therefore have to present their weekly refuse and recycling sacks for collection on the pavement, unless the collectors could be given access to the front garden. This would be preferred, as placing sacks on the pavement presents an obstruction.

Officer comments - Amended plans have been received which show the removal of the

vehicular gates.

4. 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.
BE19	New development must improve or complement the character of the area.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Residential Extensions
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

5. MAIN PLANNING ISSUES

The main considerations are design and impact upon the dwelling and wider locality and the impact upon the amenities of adjoining occupiers.

Policy BE13 of the UDP (Saved Policies September 2007) states development will not be permitted if the layout and appearance fail to harmonise with the existing street scene and policy BE19 states that development within residential areas should compliment or improve the amenity and character of the area. The Supplementary Planning Document (SPD) HDAS: Residential Extensions: Section 10.0, states walls and enclosures provide a boundary to the curtilage of the building and add privacy for the residents. All front walls and enclosures should make a positive contribution to the street scene and must ensure adequate visibility for all vehicles entering and exiting the site and Section 11.0: Front gardens and parking, states you should avoid creating the appearance of a car park rather than a residential street, and that appropriate materials should be used.

With regard to the effect on the public highway, the proposal now shows the inclusion of linear drains and it is considered that the vehicular access would be in the same position as that approved by the earlier application for the erection of the dwelling 51162/APP/2009/466, and it is therefore considered that this aspect of the proposal has already been established and as such, the construction of the crossover would comply with policy AM7 of the UDP (Saved Policies September 2007).

With regard to highway and pedestrian safety, the proposed plans indicate that there will be sufficient hard-standing space to allow 2 cars to be parked at 90 degrees to the road without overhanging the pavement and causing an obstruction, and it is therefore considered that pedestrian and vehicular safety would not be adversely affected by this proposal, and the proposal would comply with section 11.3 of the SPD: Residential Extensions and with policy AM7 of UDP (Saved Policies September 2007).

In terms of design, the plans show the frontage would be laid to flag stone/block paving together with areas of soft landscaping to soften this impact. The proposal retains the existing fence to the front, which gives a good definition between public and private space, providing a residential feel to the front of the property. Therefore, the proposal would

comply with section 11.2 of the SPD HDAS: Residential Extensions and Policies BE13 and BE19 of the UDP (Saved Policies September 2007).

There is a Beech tree, covered by a TPO, to the front of the site. The proposal actually results in a reduction in the area of hardstanding around the tree compared with existing site conditions. Nonetheless, it is important that this tree is protected during construction works and a condition is recommended to ensure that proper tree protection measures are instigated.

In summary the revised frontage layout, together with boundary fencing and parking areas would be considered acceptable in terms of its impact on the appearance of the residential units and the wider street scene. There would be no significant harm to the amenities of the adjoining occupiers or highway safety and no material conflict with any of the council's adopted policies would arise.

6. 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 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 BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 H12 Closure of Existing Access

The existing vehicular access at the site, shall be closed, the dropped kerb removed and the footway reinstated to match the adjoining footway within one month of the new access hereby approved being completed.

REASON

To ensure that pedestrian and vehicular safety is not prejudiced in accordance with Policies AM3 and AM8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

4 TL3 Protection of trees during site clearance and development

Prior to the commencement of any site clearance or construction work, detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local

Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres. The fencing shall be retained in position until development is completed. The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed.
4. No materials or waste shall be burnt; and.
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

REASON

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

Standard Informatives

- 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 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, and to all relevant material considerations, including Supplementary Planning Guidance:
Policy No.

BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Residential Extensions
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
- 3 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 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 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 You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work in the early morning or late at night or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Protection Unit, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190).
- 7 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.
- 8 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.

- 9 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.

- 10 You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act.

- 11 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.


- 12 You are advised that 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).

Contact Officer: Catherine Hems

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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Site Address	
39 - 41 Rusdene Road Eastcote	
Planning Application Ref:	Scale
51162/APP/2010/124	1:1,250
Planning Committee	Date
North	May 2010

**LONDON BOROUGH
OF HILLINGDON**

**Planning &
Community Services**

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



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