

Report of the Head of Planning & Enforcement Services

Address REAR OF 54 SWAKELEYS DRIVE ICKENHAM

Development: Erection of 1 four-bedroom two storey detached dwelling with associated parking and double garage, with alterations to existing driveway and installation of new vehicular crossover to front.

LBH Ref Nos: 53998/APP/2010/854

Drawing Nos: 3208/PLA/4.09
3208/PLA/4.05
3208/PLA/4.02
3208/PLA/4.01
3208/PLA/4.06
3208/PLA/4.07
3208/PLA/4.08
Design and Access Statement
Arboricultural Report Ref. 09/08
110/1

Date Plans Received: 16/04/2010 **Date(s) of Amendment(s):**
Date Application Valid: 28/04/2010

1. SUMMARY

Planning permission is sought for the erection of a two storey four-bedroom detached dwelling house with detached garage, access drive and associated landscaping. This application follows on from the granting of permission for a single house in a similar position and of a similar size and design (ref. 53998/APP/2008/3195).

This scheme differs from the approved scheme in that the rear curtilage area shown for the approved application has been substantially reduced, resulting in a 1200m2 undeveloped area left to the rear of the site.

It is considered that the siting and impact of a dwelling in this position has been established by the previous approval and furthermore, the reduced residential curtilage for the proposal would still provide adequate residential amenities for any future occupiers.

The siting of the house would not result in a conspicuous form of development, adjacent to the Green Belt and would not unacceptably encroach into the open setting of 'Swakeleys House' a Grade 1 Listed Building. The proposal would therefore not result in an incongruous form of development out of keeping with the existing street layout and detrimental to the visual amenities of the street scene and the open character of Ickenham Village Conservation Area.

The level of traffic generated by one additional house proposed would not result in noise nuisance to the detriment of the existing occupiers of 54 Swakeleys Drive.

It should be noted that this application was lodged prior to the recent appeal decision allowing two dwellings to the rear of the existing house. Quite simply, the appeal decision negates any possible reason to refuse the application.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 T8 Time Limit - full planning application 3 years

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

REASON

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

2 M1 Details/Samples to be Submitted

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

REASON

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

3 OM1 Development in accordance with Approved Plans

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

REASON

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

4 OM2 Levels

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

REASON

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

5 OM19 Construction Management Plan

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

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

(including wheel washing facilities).

(v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).

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

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

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

REASON

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

6 NONSC storage of refuse/recycling

Notwithstanding the details shown on Drwg. No. 4.06, prior to the commencement of works on site, full details of the siting and design of the provision to be made for the covered, screened and secure storage of refuse/recycling on collection days shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

REASON

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

7 RPD1 No Additional Windows or Doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing 2 and 4 Vyners Way.

REASON

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

8 RPD5 Restrictions on Erection of Extensions and Outbuildings

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

REASON

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

9 RPD9 Enlargement to Houses - Roof Additions/Alterations

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or

without modification), no addition to or enlargement of the roof of any dwellinghouse shall be constructed.

REASON

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

10 M5 Means of Enclosure - details

Before the development is commenced, details of boundary fencing or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be erected before the development is occupied and shall be permanently retained thereafter.

REASON

To safeguard privacy to adjoining properties in accordance with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

11 H7 Parking Arrangements (Residential)

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

REASON

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

12 TL1 Existing Trees - Survey

Prior to any work commencing on site, an accurate survey plan at a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The plan must show:-

- (i) Species, position, height, condition, vigour, age-class, branch spread and stem diameter of all existing trees, shrubs and hedges on and immediately adjoining the site.
- (ii) A clear indication of trees, hedges and shrubs to be retained and removed.
- (iii) Existing and proposed site levels.
- (iv) Routes of any existing or proposed underground works and overhead lines including their manner of construction.
- (v) Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees and other vegetation to be retained during construction work.

REASON

To enable the Local Planning Authority to assess the amenity value of existing trees, hedges and shrubs and the impact of the proposed development on them and to ensure that the development conforms with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

13 TL2 Trees 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 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 3998 (1989) 'Recommendations for Tree Work' 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 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and to comply with Section 197 of the Town and Country Planning Act 1990.

14 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).

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

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

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

The scheme shall also include details of the following: -

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

REASON

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

16 TL6 Landscaping Scheme - implementation

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

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

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

REASON

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

17 NONSC soils used for gardens

All soils used for gardens and/or landscaping purposes shall be clean and free of contamination. Site derived soils and imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted to and approved by the Local Planning Authority.

Reason

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

18 NONSC archaeological work

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

REASON

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

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

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

REASON

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

20 SUS5 Sustainable Urban Drainage

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

REASON

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

21 NONSC 'Lifetime Homes' Standards

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

Reason:

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (February 2008) Policies 3A.5, 3A.13, 3A.17 and 4B.5.

NONSC

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

REASON

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

23 NONSC **vehicular crossover**

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

REASON

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

24 NONSC **Unobstructed sight lines**

Unobstructed sight lines above a height of 1 metre shall be maintained where possible on both sides of the entrance to the site, for a distance of at least 2.4m in both directions along the back edge of the footway or verge.

REASON

To ensure that pedestrian and vehicular safety is not prejudiced, in accordance with Policy AM7 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

INFORMATIVES

1 I52 **Compulsory Informative (1)**

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

2 I53 **Compulsory Informative (2)**

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

OL5	Development proposals adjacent to the Green Belt
BE3	Investigation of sites of archaeological interest and protection of archaeological remains

BE4	New development within or on the fringes of conservation areas
BE10	Proposals detrimental to the setting of a listed building
BE13	New development must harmonise with the existing street scene.
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.
H12	Tandem development of backland in residential areas
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
OE1	Protection of the character and amenities of surrounding properties and the local area
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Residential Layouts Accessible Hillingdon
LPP 3A.3	London Plan Policy 3A.3 - Maximising the potential of sites
LPP 3A.5	London Plan Policy 3A.5 - Housing Choice
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 4B.1	London Plan Policy 4B.1 - Design principles for a compact city.

3 I1 Building to Approved Drawing

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

4 I2 Encroachment

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

5 I3 Building Regulations - Demolition and Building Works

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

6 **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.

7 **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.

8 **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 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.

9

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

10

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

11

With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

3. CONSIDERATIONS

3.1 Site and Locality

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

3.2 Proposed Scheme

Planning permission is sought to erect a four-bedroom detached dwellinghouse with a detached garage located to the south of the proposed house. The house would be located within the rear garden of No.54 Swakeleys Drive and would be accessed via a new access road located immediately to the west of No.54 and running along the western boundary of the site, which abuts Swakeleys House.

The proposed house would have a tandem layout being served by an access road which runs for a distance of approximately 46m to a turning head at the northern end. The proposed house would be 11.7m wide, 8.8m deep and 8.5m high with a hipped roof. The detached garage would be 5.2m wide, 5.8m deep and 3.7m high with a hipped roof.

The design, location and size of the proposed dwelling are identical to that approved by

Ref. 53998/APP/2008/3195, with the only difference being that a reduced curtilage is shown for this proposal.

3.3 Relevant Planning History

53998/APP/2006/3021 Rear Of 54 Swakeleys Drive Ickenham

ERECTION OF 2 FOUR-BEDROOM DETACHED DWELLINGHOUSES WITH DETACHED GARAGES AND 1 FIVE-BEDROOM DETACHED DWELLINGHOUSE WITH ROOFSPACE ACCOMMODATION AND DETACHED GARAGE, IN A LINEAR LAYOUT SERVED BY A NEW ACCESS ROAD BETWEEN NOS.52 AND 54 SWAKELEYS DRIVE, TOGETHER WITH LANDSCAPING.

Decision: 08-01-2007 Withdrawn

53998/APP/2007/711 Rear Of 54 Swakeleys Drive Ickenham

ERECTION OF 3 FOUR-BEDROOM DETACHED DWELLING HOUSES WITH INTEGRAL GARAGES, ASSOCIATED LANDSCAPING AND ACCESS DRIVE WITH TURNING HEAD (INVOLVING REFURBISHMENT OF NO.54 SWAKELEYS DRIVE).

Decision: 22-10-2007 Refused

53998/APP/2008/1756 Land To The Rear Of 54 Swakeleys Drive Ickenham

ERECTION OF 2 FOUR-BEDROOM DETACHED DWELLINGHOUSES WITH DETACHED GARAGES, ASSOCIATED LANDSCAPING AND ACCESS DRIVE WITH TURNING HEAD (INVOLVING REFURBISHMENT OF NO.54 SWAKELEYS DRIVE).

Decision: 05-11-2008 Refused **Appeal:** 07-04-2009 Dismissed

53998/APP/2008/3195 Rear Of 54 Swakeleys Drive Ickenham

Two storey four-bedroom detached dwelling to include detached garage to front, associated parking and alterations to existing driveway.

Decision: 30-12-2008 Approved

53998/APP/2009/1186 Rear Of 54 Swakeleys Drive Ickenham

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

Decision: 08-12-2009 Refused **Appeal:** 29-07-2010 Allowed

Comment on Relevant Planning History

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

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

22/10/07.

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

1. By reason of its proximity to the open grounds of Swakeleys House, which is situated within the Green Belt, the proposal would result in a conspicuous form of development, which would unacceptably encroach into the open setting of Swakeleys House, a Grade 1 Listed Building. The proposal would therefore detract from the visual amenities of the adjoining Green Belt and the setting of the Grade 1 Listed Building.
2. The proposed houses by reason of their tandem layout would result in an incongruous form of development which would be out of keeping with the existing street layout and the open character and appearance of surrounding properties, being detrimental to the visual amenities of the street scene and surrounding area. As such, the proposal would fail to preserve, or enhance the character and appearance of Ickenham Village Conservation Area.
3. The proposed driveway by reason of its proximity close to the proposed houses and 54 Swakeleys Drive would result in noise nuisance to the detriment of the existing and future occupiers.
4. The development is estimated to give rise to a significant number of children of school age and additional provision would need to be made in the locality due to the shortfall of places in schools serving the area.

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

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

53998/APP/2009/1186 - An application for the erection of 2, four-bedroom dwellinghouses with 1 detached double garage, associated parking and alterations to existing access road was refused at Committee on the 8/12/09, for the following reason:

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

This application was allowed on appeal on 29 July 2010. In reaching his decision, the Inspector did take into account the revised PPS3 and the Mayor's London Plan Interim Housing Supplementary Planning Guidance.

4. Planning Policies and Standards

Planning Policy Statement 3: Housing

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

OL5	Development proposals adjacent to the Green Belt
BE3	Investigation of sites of archaeological interest and protection of archaeological remains
BE4	New development within or on the fringes of conservation areas
BE10	Proposals detrimental to the setting of a listed building
BE13	New development must harmonise with the existing street scene.
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.
H12	Tandem development of backland in residential areas
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
OE1	Protection of the character and amenities of surrounding properties and the local area
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Residential Layouts Accessible Hillingdon
LPP 3A.3	London Plan Policy 3A.3 - Maximising the potential of sites
LPP 3A.5	London Plan Policy 3A.5 - Housing Choice
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 4B.1	London Plan Policy 4B.1 - Design principles for a compact city.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **9th June 2010**

5.2 Site Notice Expiry Date:- **9th June 2010**

6. Consultations

External Consultees

40 neighbouring properties and interested parties consulted and the application has been advertised as affecting the character and appearance of the Ickenham Village Conservation Area. 6 individual responses received, including one from the Ickenham Residents Association, making

the following comments:

1. The layout of the access road is unsuitable for safety;
2. This project is out of character with the neighbourhood and constitutes a new development;
3. This development will result in overlooking to my house, this will de-value my property;
4. The Council should keep the area as it is, as this will open the floodgates for future developments to be put forward;
5. The development in close proximity to Swakeleys House would be detrimental to the setting of the Grade I Listed Building;
6. All the houses in Swakeleys Drive that back onto Swakeleys House are in line with long gardens which set them apart from this building;
7. The site would be in close proximity to the tennis court and the existing driveway of No.54, which is a busy T-junction;
8. The grounds of No.54 would look over-built, which is not in keeping with the road, and unbecoming to the existing house;
9. This matter needs to be resolved quickly as No.54 is becoming derelict. The house has been broken in to, windows smashed and squatted by drug addicts. The owners should renovate rather than develop;
10. Whilst the density may accord with general guidelines and it is similar to previous applications, it fails to take into account the detrimental effect of the proposed driveways on either side of the existing dwelling;
11. The development will leave No.54 as an island, between access points. The access road to the new dwelling, at 4.875m wide is in all but name a road, being almost the same width as Vyners Way. The resulting access roads will account for about 30% of plot frontage;
12. The widening of the access road will further put at risk the ancient oak on the frontage;
13. The cosmetic hedges along the boundary will not mitigate the detrimental impact of the aspect of the driveway to Swakeleys House;
14. The Conservation Area is repeatedly under pressure by development and was created to prevent further diminution of the individual characteristics of the area, which are greatly valued by residents;
15. Giving approval will harm the Conservation Area and deprive local residents of the amenity of the aspect of Swakeleys driveway entrance, of which the existing property at No.54 in its current position forms part;
16. This is an attempt by the developer to get an existing planning approval amended, to improve his chances of facilitating access for a further dwelling;
17. We do not see the need for this further application, as the existing approval must have already complied with the current access/egress conditions;
18. We have been opposing this development for 4 years, involving 6 applications and 2 appeals (one still outstanding), first for 3 dwellings, then 2, and then 1;
19. We are extremely disappointed with the approval of the application in 2008 (2008/3195) and said at the time this would only result in further pressure for development;
20. Please consider very carefully the implications of approving this application, as we are sure it will result in pressure for further tandem development at this site;
21. We would ask that all previous correspondence, objections, committee refusals and Inspectors dismissal of appeal are considered and fully itemised in the officers report;
22. We would ask that the LPA ensures that the current application complies with any recent legislation regarding backland developments.

A petition with 20 signatories has also been received, objecting to the proposal for the following ground:

'We, the undersigned, fully support the Ickenham Residents' Association in their objective of ensuring that the wishes of its members as well as the wishes of the people of Ickenham in general, are heard and understood by the London Borough of Hillingdon's North Planning

Committee, when considering the proposal at the above address to build a tandem development in the Ickenham Conservation Area adjacent to the historical building of Swakeleys House, by voicing concerns, and suggesting possible planning conditions, should the North Planning Committee be minded to approve the application.'

English Heritage (Archaeology): previously commented (53998/APP/2008/1756):

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

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

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

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

It is not considered there have been any site changes since this previous advice and therefore it is recommended this condition is applied.

Ickenham Conservation Panel:

The panel continues to strongly oppose this backland, infill development. We question whether this latest scheme varies the driveway width in order to secure greater access in future. With the previously approved scheme having a wider roadway along the side of the site, why are these access dimensions being changed now. Clearly the way this site is divided is obviously reserving the rear garden for further future development. Everything proposed is contrary to policy and detrimental to a grade 1 listed approach.

Thames Water

Waste Comments: With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Internal Consultees

CONSERVATION OFFICER

This site is located within the Ickenham Village Conservation Area. It lies adjacent to the formal entrance and driveway to the grade I listed Swakeleys House and backs onto its parkland setting. The site enjoys an existing approval for a similar development.

RECOMMENDATIONS: Given the existing very similar approved scheme, no objections are raised to this proposal, particularly as a larger area of planting is proposed along the drive to the listed building, and a significant area of undeveloped land with mature trees and hedges remains to the rear of the development site. This will act as a substantial screen to the open parkland setting of the listed building.

TREES AND LANDSCAPE OFFICER

As previously described, the site lies within the Ickenham Village Conservation Area, a designation which protects trees. The site comprises a large and established garden which contains a number of trees, which were the subject of a detailed tree survey, by Consulting with Trees Ltd, in 2008. This survey has been re-submitted with the current application. The previous proposal sought to develop two new houses behind the existing house, number 54. The current proposal is to build the first unit, approximately halfway down the garden. The siting and layout appears to conform to the previous proposal ref. 53998/APP/2009/1186. The tree survey acknowledges that selected trees will be removed, while some of the better trees and those on boundaries will be retained. Supplementary tree planting is proposed.

LANDSCAPE ISSUES: The previous proposal was the subject of discussion and amendments relating to the retention of trees, the site layout and width of the new access drive and the retention and re-reinforcement of the boundary planting on the north and west boundaries. These amendments were required in order to satisfy saved policies BE4 and BE38.

RECOMMENDATION: If the site and road layouts are the same as the previous application, I have no objection subject to conditions TL1, TL2, TL3, TL5 and TL6.

HIGHWAYS OFFICER

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

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

No objections are raised on highway grounds.

Director of Education: Based on the creation of 1x 7-room private house in Ickenham, we request £14,204.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy BE13 of the Adopted Hillingdon UDP (Saved Policies, September 2007) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene and BE19 states that the LPA will seek to ensure that new development within residential areas compliments or improves the amenity and character

of the area.

The adopted Supplementary Planning Document (SPD) HDAS: Residential Layouts: Section 3.4 states that this type of development must seek to enhance the character of the area. Section 4.10 of the SPD explains careful consideration should be given to the height of new buildings and surrounding building lines.

The proposal is located within the 'developed area' as identified in the UDP (Saved Policies September 2007) and there is no objection in principle to additional housing in this location and it is further considered that the scheme complies with UDP Policy H12 which suggests that proposals for tandem/backland development may be acceptable where no undue disturbance or loss of privacy is likely to be caused to adjoining occupiers. With regard to the Green Belt, taking into consideration the proximity of existing built development in relation to the Green Belt boundary to the north of the site it is considered that the proposal would not have a detrimental impact on the visual amenities of the Green belt. As such, the proposal would comply with Policy OL5 of the UDP (Saved Policies September 2007).

Additional guidance on backland development and the interpretation of related policies has recently been published and is an important material consideration in assessing the principle of backland developments such as this. Key changes in the policy context, since the adoption of the UDP Saved Policies, includes the adoption of The London Plan (consolidated with alterations since 2004), the Letter to Chief Planning Officers: Development on Garden Land dated 19/01/2010, The London Plan Interim Housing Supplementary Planning Guidance adopted April 2010, and new Planning Policy Statement (PPS)3: Housing adopted June 2010.

In relation to National Policy the Letter to Chief Planning Officers clarifies that "there is no presumption that previously developed land is necessarily suitable for housing, nor that all of the curtilage should be developed" and commits to move this clarification to a more prominent position within the PPS. It further clarifies that "the main focus of the Government's position therefore is that local authorities are best placed to develop policies and take decisions on the most suitable locations for housing and they can, if appropriate, resist development on existing gardens".

This guidance was published prior to submission of the application and should be given appropriate weight in the assessment of the application. The London Plan Interim Housing Supplementary Planning Guidance (April 2010) was published following the national advice above and represents the Mayor of London's guidance on how applications for development on garden land should be treated within the London Region. The thrust of the guidance is that back gardens contribute to the objectives of a significant number of London Plan policies and these matters should be taken into account when considering the principle of such developments. The guidance requires that "In implementing London Plan housing policies and especially Policy 3A.3, the Mayor will, and Boroughs and other partners are advised when considering development proposals which entail the loss of garden land, to take full account of the contribution of gardens to achievement of London Plan policies on:

- * local context and character including the historic and built environment;
- * safe, secure and sustainable environments;
- * biodiversity;
- * trees;
- * green corridors and networks;

- * flood risk;
- * climate change including the heat island effect, and
- * enhancing the distinct character of suburban London,

and carefully balance these policy objectives against the generally limited contribution such developments can make toward achieving housing targets."

Following on from this, Policy 4B.8 emphasises the importance of local distinctiveness, and ensuring proposed developments preserve or enhance local social, physical, cultural, historical, environmental and economic characteristics.

Revised Planning Policy Statement 3: Housing, was published in April 2010 and, as advised in the Letter to Chief Planning Officers, discussed above, clearly clarifies that not all developed land is necessarily suitable for housing, nor that all of the curtilage should be developed. It also makes it clear that well thought out design and layout which integrates with and complements existing buildings and the surrounding local context is a key consideration which needs to be taken into account when assessing proposals for residential development. Although the London Plan Interim Housing supplementary Planning Guidance, and revised Planning Policy Statement 3 were both published following submission of the application they represent part of the adopted policy framework at the time of determination. In addition they do not introduce additional policy but instead provide clarity on the interpretation of existing policies within the London Plan. Accordingly, it is considered that significant weight should be given to this guidance in determination of the current application.

Therefore, in general there is no objection to the principle of an intensification of use on existing residential sites, and in this instance, it is considered that the subdivision of this substantial plot together with its associated vehicular access would still provide a layout with comparable plot sizes that would relate well to the local and historical context of the area, which is characterised by detached and semi-detached properties with relatively large rear gardens. Furthermore the proposed layout is considered to demonstrate that a safe, secure and sustainable environments would be provided should the proposal be implemented.

The London Plan's Interim Housing SPG considers the undesirable loss of private garden land to infill residential developments. The loss of these private gardens or greenfield land, within the local context should be considered. In this case the garden is located adjacent to a residential Cul-de-sac known as Vyners Way, on the northern edge of a suburban area which adjoins the open land around Swakeleys House and the designated Green Belt. With regard to any adverse effect on biodiversity, the loss of the trees may collectively have a greater impact on green corridors and networks than the individual values assigned by the tree survey. However, the existing house would still retain over 400m² of private 'rear' garden land, together with adequate areas available for soft landscaping on the frontage, and the proposed dwelling would have over 300m² of private 'rear' garden area, which far exceeds the minimum recommended amount as specified in the SPD: Residential Layouts. Furthermore an additional large area of undeveloped land (1,200m²) would be left to the rear which, together with the landscaping screen proposed on the western boundary, would continue to provide adequate green corridors, open areas and private gardens whose openness and vegetation contribute to the local character of the area. As such, the proposal is considered to comply with the intentions of the London Plan Interim Housing SPG.

The Planning Inspector for the recent appeal for 2 dwellings also considered PPS3 and

the London Plan Interim Housing SPG and also felt these did not weigh against 2 backland dwellings at this site.

7.02 Density of the proposed development

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

The new house would have an approximate density of 88pr/ha. Although this is below the density guidelines advocated by the London Plan, it is considered that a refusal of permission on this ground alone would not be appropriate, given the character of the surrounding area and sensitivity of the site, close to the listed Swakeleys House. As such the proposal is considered to comply with Policy 4B.3 of the London Plan.

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

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

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

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

The proposed development would result in the existing property and the additional dwelling running parallel to the main entrance to Swakeleys House which currently

provides an open vista towards Green Belt land situated to the north of the application site. The open setting of Swakeleys House, is surrounded by suburban development which has to some extent already compromised its open setting. However, Swakeleys House remains very recognisable as a country house set in open land at the end of a tree lined drive. The previous application for two houses was considered to have resulted in a form of development which would have unacceptably encroached into the open setting which would be harmful to the setting of this Grade 1 Listed Building. The current application has removed the house located to the north of the application site. The remaining house would be set back by some 62m from the northern boundary of the application site which abuts the open Green Belt land that surrounds the Grade 1 Listed Building. In addition, the proposed house would only be visible at an oblique angle from Swakeleys Drive and the existing hedge and trees which run to the west of the application site would substantially screen the proposed development when viewed from the street scene, especially when supplemented by additional planting to that existing on the boundary of the site with the drive to Swakeleys House. As such, it is considered that the proposed development would not result in an unacceptable encroachment into this open setting such that it would be harmful to the setting of this Grade 1 Listed Building. The proposal would therefore comply with Policy BE10 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

It should also be noted that the proposed house would have an identical siting and design as the previously approved dwelling (2008/3195) with the only difference being the reduction in the curtilage associated with the proposed dwelling which would leave an area of undeveloped land to the rear.

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

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

The proposal would therefore comply with Policies BE3, BE4 and BE10 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

7.04 Airport safeguarding

The site is not within an airport safeguarding area.

7.05 Impact on the green belt

The proposed development would result in the existing property and the additional dwelling running parallel to the main entrance to Swakeleys House which currently provides an open vista towards Green Belt land situated to the north of the application site. The open setting of Swakeleys House, which is situated within the Green Belt, is surrounded by suburban development which has to some extent already compromised its open setting. However, Swakeleys House remains very recognisable as a country house set in open land at the end of a tree lined drive. The previous application for two houses was considered to have resulted in a form of development which would have unacceptably encroached into the open setting which would be harmful to the visual amenities of the Green Belt. The current application has removed the house located to the north of the application site. The remaining house would be set back by some 62m from the northern boundary of the application site which abuts the open Green Belt land which surrounds the Grade 1 Listed Building. As such, it is considered that the proposed development would not now result in an unacceptable encroachment into this open setting which would

be harmful to the visual amenities of the Green Belt.

In considering the previous appeal for two dwellings, the Inspector acknowledged that the grounds of Swakeleys are within the Green Belt and having regard to national guidance, which advises that the visual amenity of Green Belts should not be injured by proposals for development within or conspicuous from them, concluded that the design and separation of the new houses was sufficient to ensure that they would not be so conspicuous as to cause harm. The proposal would therefore comply with Policy OL5 of the Unitary Development Plan Saved Policies September 2007.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

The existing properties are set back from the road frontage on large plots of land to give an open character and appearance. With regard to the previous application for two units, it was considered that the proposed houses did not follow the existing street layout and would have resulted in tandem development with an access road running from the front to the rear of the site resulting in a layout which would be out of keeping with the overall pattern of development in the surrounding area and would appear cramped in comparison to the open appearance of the surrounding locality. The proposed tandem layout with an access road running from the front to the rear of the site was considered to be out of keeping with the overall pattern of development in the surrounding area. In this current proposal, the proposed access road would still run from the front to the rear of the site. However, the overall length of the access road has been reduced by some 52m and the provision of one house is not considered to give rise to a pattern of development which would detract from, the visual amenities of the street scene and the surrounding area.

The Council's Conservation Officer considers that the overall design of the new building reflects the general character of the area and the design of the proposed houses is now considered to be acceptable. The proposal would therefore comply with Policies BE4, BE10, BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

7.08 Impact on neighbours

The Council's Supplementary Planning Document (SPD) HDAS: Residential Layouts advises that a minimum distance of 21m is required between adjoining habitable room windows or private garden area in order to ensure that no loss of privacy will occur. The proposed house would be situated 31m and 33m from No.54 and No.52 respectively. As such, the proposal would provide adequate privacy to the existing occupiers of these properties.

The Council's SPD HDAS: Residential Layouts advises that for two storey buildings adequate distance should be maintained to avoid overdominance. A minimum distance of 15m is required. The distance of the proposed house from No.54 is considered to be sufficient to ensure that the siting and overall size and bulk would not be overdominant in relation to this property. Similarly, the east facing flank wall of the proposed house would be situated a minimum distance of 42m from the rear of properties on Vyners Way. Given these separation distances, it is considered that the proposal would not adversely affect the residential amenities of surrounding properties, and would comply with policies BE19, BE20, BE21 and BE24 of the Hillingdon Unitary Development Plan Saved Policies September 2007 and meets the requirements of design principles 4.9, 4.12 and 4.13 of the Council's SPD: 'Residential Layouts'.

Policy H12 of the UDP states that proposals for backland development in residential areas

will only be permitted provided no undue noise and disturbance is likely to be caused to adjoining occupiers. No. 54 has habitable room windows at ground and first floor level which face towards the proposed access.

The current application would result in the access drive serving one property and the level of traffic and consequently any disturbance resulting from it is not considered sufficient to justify the refusal of this application. The proposal would therefore comply with Policies H12 and OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

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 dwellings would be over 140m². The SPD states the minimum amount of floor space required for a 4-bedroom two storey house would be 92m² and therefore the proposal would comply with this advice.

With regard to the size of the garden, the SDP: Residential Layouts: Section 4.15 states that four bedroom properties should have a garden space of at least 100m². The layout plans show an area of over 315m² provided for the new dwelling and over 400m² left for the existing property. As such the proposal would comply with Policy BE23 of the UDP (Saved Policies September 2007) and the SPD: Residential Layouts.

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

The proposal therefore accords with policies BE20, BE21, BE23 and BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.10 Traffic impact, car/cycle parking, pedestrian safety

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

7.11 Urban design, access and security

The proposed boundary treatment and landscaping, particularly along the access way, are sufficient to prevent the development from having an adverse impact on the security and safety of adjacent residential properties.

7.12 Disabled access

The proposed floor plans show the provision of WC facilities at ground floor level and the dwelling would exceed the minimum floor space standards. It is therefore considered if permission were to be granted a condition requiring the dwelling to be constructed to Lifetime Homes Standards is attached. As such, the proposal is considered to comply with Policy 3A.4 and 3A.5 of the London Plan and the Council's SPD Accessible Hillingdon January 2010.

7.13 Provision of affordable & special needs housing

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 Tree/Landscape Officer has not raised objection to the proposal subject to conditions and these conditions are recommended.

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 should not be further than 9m from the edge of the highway. The proposed layout plan shows the siting of a bin storage area on the frontage and should permission be granted it is recommended a condition is applied to require the submission of details together with its implementation to be agreed before the development is commenced.

7.16 Renewable energy / Sustainability

Should this application be approved, conditions are recommended which would require that the hardsurfacing be constructed using a porous surface. In addition a condition is recommended that the development should meet level 3 of the code for sustainable homes.

7.17 Flooding or Drainage Issues

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

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

As regards the individual responses received, points (3), property values are not material planning considerations, Points (9) and (16) are noted, but all applications have to be considered on their individual merits. The remaining issues have been dealt with in the main report.

7.20 Planning Obligations

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

Education services advise that a contribution of £14,204 is considered appropriate in order to cater for the increased demand placed on existing nursery (£968), primary (£5,584), secondary (£5,487) and post 16 (2,165) school places by the proposed development. The applicants have indicated that they would be prepared to meet the costs to address the impact of the development and this matter could be dealt with by condition. As such, the proposal would comply with Policy R17 of the UDP Saved Policies September 2007.

7.21 Expediency of enforcement action

Not applicable to this application

7.22 Other Issues

None

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

Not applicable to this application

10. CONCLUSION

It is considered that the proposed house would not be conspicuous from the Green Belt and would not detract from the street scene and the surrounding area. As such, the proposal would preserve or enhance the visual amenities of the Green Belt and the character and appearance of Ickenham Village Conservation Area. Although the development would be located adjacent to the grand drive to Swakeleys House and due to its proximity and proposed screening, the proposal is not considered to detract from the setting of this Grade 1 Listed Building.

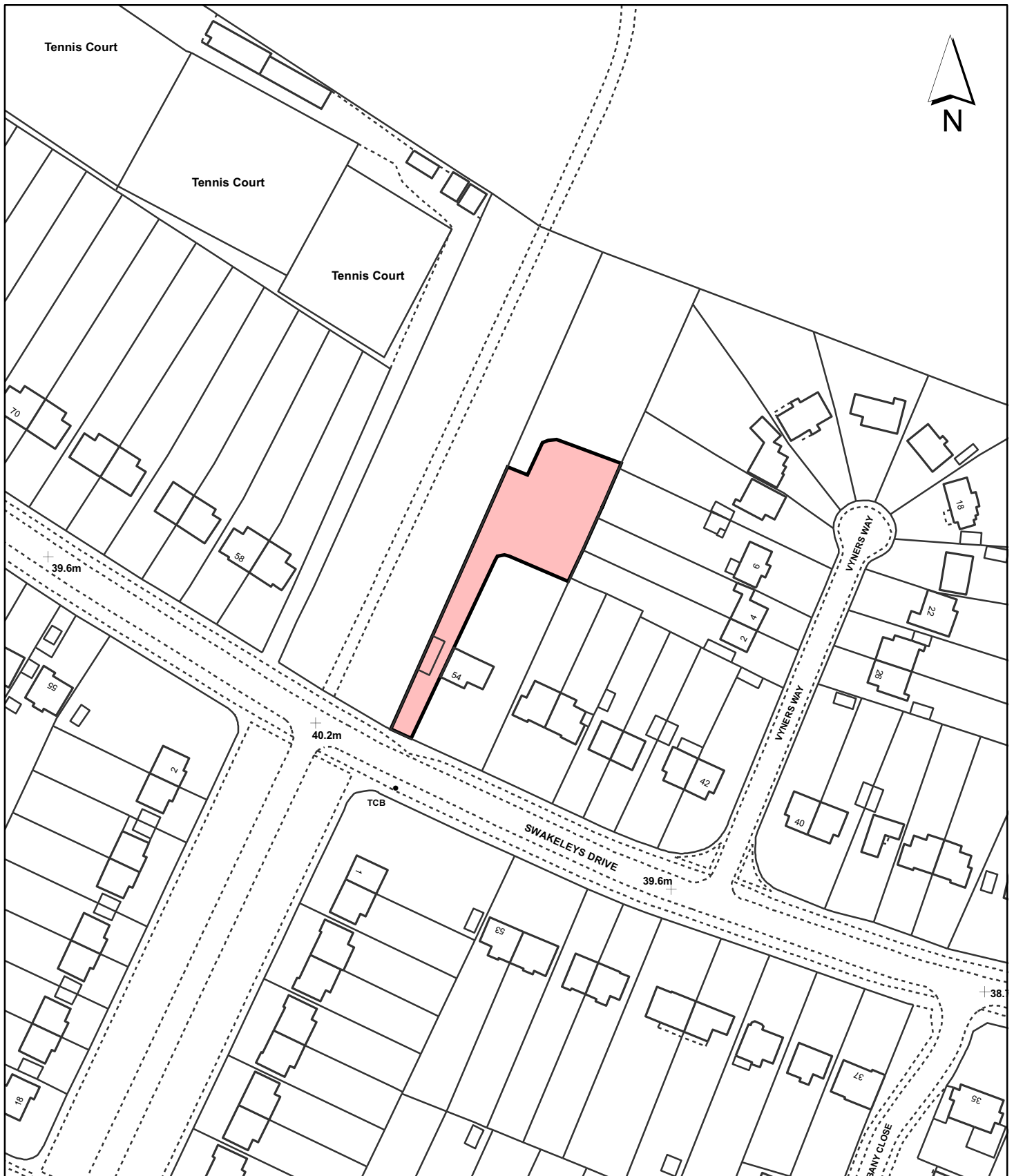
Following the recent appeal decision allowing two backland dwellings on the site, it is also considered that there are no sound planning reasons to refuse this application for just one backland dwelling on the site.

11. Reference Documents


Hillingdon Unitary Development Plan Saved Polices September 2007
HDAS: Residential Layouts: July 2006
HDAS: Accessible Hillingdon: July 2006
The London Plan (2008)
Planning Policy Statement 3 (Housing)
Consultee and Neighbour responses

Contact Officer: Catherine Hems

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Notes

 Site boundary

For identification purposes only.

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London Borough of Hillingdon
100019283 2009

Site Address	
Rear of 54 Swakeleys Drive Ickenham	
Planning Application Ref:	Scale
53998/APP/2010/854	1:1,250
Planning Committee	Date
North	August 2010

**LONDON BOROUGH
OF HILLINGDON**

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Community Services**

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