

Report of the Head of Planning & Enforcement Services

Address LAND AT REAR AND FORMING PART OF 63, 65 AND 67 LOWLANDS ROAD EASTCOTE

Development: Erection of a five-bedroom detached bungalow, including three bedrooms in roofspace, with associated parking and landscaping.

LBH Ref Nos: 56032/APP/2010/2111

Drawing Nos: Location Plan to Scale 1:1250
65LR-20100905-01
65LR-20100905-02
65LR-20100905-03
65LR-20100905-04
65LR-20100905-05
65LR-20100905-06
65LR-20100905-07
65LR-20100905-08
Existing Sewers Plan
Design and Access Statement

Date Plans Received: 08/09/2010 **Date(s) of Amendment(s):**
Date Application Valid: 08/09/2010

1. SUMMARY

The proposal is for a single detached bungalow (with habitable roof space). Whilst the development would comply with relevant Council Standards relating to internal living space and external amenity space, it is considered that the proposal would be out of keeping with the surrounding pattern of residential development, resulting in a detrimental impact on the visual amenities of the surrounding area. It is further considered that should the application receive consent it would set an undesirable precedent for other proposals in the vicinity of a similar nature, which the Council would find difficult resist. In addition, to these considerations, given that a legal agreement at this stage has not been offered or secured, and due to the shortfall of places in nurseries/schools/educational facilities serving the area the proposal is considered to be contrary to relevant UDP Saved Policies September 2007, London Plan and national policies.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 **Development out of character in street scene**

The proposed development, by reason of its siting, design and layout, would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site to the level proposed through the loss/part loss of these significant garden areas would have a detrimental impact on the character, appearance and local distinctiveness of the area. The proposal is therefore detrimental to the visual amenity of the street scene and the surrounding area generally contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3A.3, 4B.1 and 4B.8 of the London Plan (Consolidated with Alterations since 2004), Planning Policy Statement 3: Housing (June

2010) and The London Plan: Interim Housing Supplementary Planning Guidance (April 2010).

2 NON2 Section 106 contributions

The development is estimated to give rise to a significant number of children of primary/secondary/post-16 school age and therefore additional provision would need to be made in the locality due to the shortfall of places in schools/educational facilities serving the area. Given a legal agreement at this stage has not been offered or secured, the proposal is considered contrary to Policy R17 of the Unitary Development Plan Saved Policies September 2007.

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE 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 REFUSE 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.

| | |
|----------|---|
| 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. |
| 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 |
| 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. |
| LPP 4B.5 | London Plan Policy 4B.5 - Creating an inclusive environment. |

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises approximately half of the back gardens to the rear of three semi-detached houses located on the northern side of Lowlands Road, which runs in an east/west direction. Immediately to the east of No.63 the road turns to the north at 90 degrees. The proposed house would be orientated at 90 degrees to the existing houses Nos. 63-65 (odd) so that the front of the house face east.

Lowlands Road and other roads within close proximity of the application site predominantly comprise two storey semi-detached houses with long gardens, a small number of which have extensions and loft conversions with rear dormer additions, creating rooms within the roof.

The site is within a developed area as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

3.2 Proposed Scheme

Planning permission is sought for the erection of a five-bedroom detached bungalow with additional habitable accommodation in the roof space. The dwelling would have an 'L' shaped footprint and would be a maximum of 12.8m wide and 15m deep. The dwelling would be finished with a pitched roof, 2.9m high to the eaves and 6.5m high to the ridge. Roof lights are proposed on the rear and side elevations. Two off street parking spaces would be provided, one within an integral garage and the second on the driveway leading to this element, accessed from Lowlands Road.

The siting of this current proposal is similar to the previous application (recently dismissed at appeal). The previous proposal related to a two storey dwelling and had a footprint with a width of 8.6m (the current proposal is 12.8m wide) and a depth of 12.5m (the current proposal is 15m deep).

3.3 Relevant Planning History

56032/APP/2001/400 Land At Rear And Forming Part Of 63, 65 And 67 Lowlands Road Erection Of Two Five-Bedroom Three Storey Detached Houses

Decision: 08-03-2002 Refused

56032/APP/2002/1134 Land At Rear And Forming Part Of 63, 65 And 67 Lowlands Road Erection Of 2 Five-Bedroom Detached Houses With Integral Garages And Rear Dormer Windows In Rear Roof Elevations

Decision: 01-08-2003 Refused

Appeal: 12-03-2004 Withdrawn

56032/APP/2004/3302 Land At Rear And Forming Part Of 63, 65 And 67 Lowlands Road Erection Of A Four-Bedroom Detached House With Integral Garage

Decision: 31-01-2005 Refused

Appeal: 13-07-2005 Dismissed

56032/APP/2004/976 Land At Rear And Forming Part Of 63, 65 And 67 Lowlands Road Erection Of A Five-Bedroom Detached House

Decision: 22-06-2004 Refused **Appeal:** 22-02-2005 Dismissed

56032/APP/2005/1287 Land Forming Part Of 63, 65 & 67 Lowlands Road Eastcote
ERECTION OF A FOUR-BEDROOM DETACHED HOUSE.

Decision: 21-04-2006 Refused **Appeal:** 19-04-2007 Dismissed

56032/APP/2008/2417 Land At Rear And Forming Part Of 63, 65 And 67 Lowlands Road Ea
ERECTION OF A FOUR-BEDROOM DETACHED DWELLING WITH AN INTEGRAL GARAGE
AND OFF STREET PARKING AND NEW VEHICULAR ACCESS FROM LOWLANDS ROAD

Decision: 03-04-2009 Not Determined **Appeal:** 03-04-2009 Dismissed

56032/APP/2009/967 Land At Rear And Forming Part Of 63, 65 And 67 Lowlands Road Ea
Two storey, detached four-bedroom dwelling with habitable roofspace with associated parking
and new vehicular crossover.

Decision: 19-11-2009 Refused **Appeal:** 04-08-2010 Dismissed

56032/APP/2010/1942 Land At Rear And Forming Part Of 63, 65 And 67 Lowlands Road Ea
TWO BEDROOM DETACHED BUNGALOW WITH INTEGRAL GARAGE

Decision: 27-08-2010 NFA

Comment on Relevant Planning History

Permission was refused in March 2002 for the erection of two, 5-bedroom three-storey detached houses (ref. 56032/APP/2001/400) on the following grounds:

- The proposal would result in an over-development of the site with an excessive site coverage and bulk of buildings that would be out of keeping with the general scale of other semi-detached and detached buildings in the area. The proposal would be detrimental to the character and visual amenities of the area
- The size of the detached houses and their proposed location in the rear gardens of three existing properties by reason of their overall size, siting, bulk and height would represent an obtrusive form of development to the detriment of the amenities of adjoining properties.

Permission was refused in July 2003 for the erection of two, 5-bedroom detached houses with integral garages (ref: 56032/APP/2002/1134) on the following grounds:

- The proposal does not provide a 1m gap between the boundary of the site and the new dwellings, giving rise to a cramped form of development, which would be detrimental to the visual amenities of the street scene and character and appearance of the area.
- The proposal having regard to the size of surrounding gardens in Lowlands Road, fails to maintain an adequate amount of amenity space in order to relate satisfactorily with the character of the area, and as such would be detrimental to the amenity of the neighbouring occupiers and character of the area.
- The proposal by reason of its siting, bulk and height would represent an obtrusive and

overdominant form of development that would be out of keeping with the general scale of other houses in the area to the detriment of the visual amenities of the area.

- The proposed access near the bend in the road would harm highway and pedestrian safety.

Permission was refused for the erection of a five bedroom detached house with an integral garage (ref: 56032/APP/2004/976) on the following grounds:

- The proposed development by reason of its size bulk and location would not be in keeping with the plan location of the surrounding area adversely impacting upon the visual amenities of the streetscene and locality.

- The proposed development by reason of its location to the rear of adjoining gardens, would result in a loss of privacy to adjoining residential properties at Nos. 98, 100 and 102 Abbotsbury Gardens.

An appeal against this refusal was dismissed on 22/02/05.

Permission was refused for the erection of a four bedroom detached house (ref: 56032/APP/2004/3302) on the following grounds:

- The proposed development by reason of the siting, size, bulk and roof design would be out of keeping with the character of the surrounding area and properties adversely impacting on the visual amenities of the locality.

An appeal against this refusal was dismissed on 13/07/05.

Permission was refused for the erection of a four bedroom detached house (ref: 56032/APP/2005/1287) on the following grounds:

- The proposed development by reason of its siting, size, bulk and design would be out of keeping with the design and layout of the surrounding area, creating an out of scale and visually overdominant form of backland development detrimental to the character and visual amenities of the locality and street scene.

- The proposal does not provide a proper means of access to the new house, introducing a traffic conflict point close to a bend which is likely to give rise to conditions detrimental to highway and pedestrian safety.

An appeal against this refusal was dismissed on 19/04/07.

An appeal was lodged against the non determination of permission for the erection of a four bedroom detached dwelling with integral garage and off street parking (ref 56032/APP/2008/2417), however should the Authority been in the position to determine the application, they would have refused it on the following grounds:

- The proposed development by reason of its siting, size, bulk and design would be out of keeping with the design and layout of the surrounding area, creating an out of scale and visually overdominant form of backland development detrimental to the character and visual amenities of the locality and street scene.

- The proposal by reason of the relationship of the proposed dining room to the northern boundary would fail to provide a satisfactory outlook giving rise to substandard accommodation for future occupiers.

- The development is estimated to give rise to a significant number of children of school age and additional provision would need to be made.

The appeal was dismissed on 3rd April 2009.

Permission was refused for a 2 storey four-bedroom detached house with additional

habitable accommodation in the roof space (56032/APP/2009/967) on the following grounds:

· The proposed development be reason of its size and bulk would be out of keeping with the surrounding area, creating an out of scale and visually overdominant form of development detrimental to the character and visual amenities of the locality and street scene

An appeal against this refusal was dismissed on 4th August 2010

4. Planning Policies and Standards

Supplementary Planning Guidance: Educational Facilities

Planning Policy Statement 3: Housing (June 2010)

The London Plan: Interim Housing Supplementary Planning Guidance (April 2010).

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

| | |
|----------|---|
| BE13 | New development must harmonise with the existing street scene. |
| BE15 | Alterations and extensions to existing buildings |
| BE19 | New development must improve or complement the character of the area. |
| BE20 | Daylight and sunlight considerations. |
| BE21 | Siting, bulk and proximity of new buildings/extensions. |
| BE22 | Residential extensions/buildings of two or more storeys. |
| BE23 | Requires the provision of adequate amenity space. |
| BE24 | Requires new development to ensure adequate levels of privacy to neighbours. |
| BE38 | Retention of topographical and landscape features and provision of new planting and landscaping in development proposals. |
| 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 |
| 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. |
| LPP 4B.5 | London Plan Policy 4B.5 - Creating an inclusive environment. |

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

99 neighbours and interested parties were consulted. A petition of 80 signatures and 17 individual responses have been received, including comments from the Eastcote Residents Association, that made the following comments:

1. I ask that the previous inspectors decision is taken into account;
2. The design is inappropriate for this site and out of keeping with the area, including the proposed materials to be used. The chimney stack would be out of keeping and the alignment of the dwelling would be contrary to existing properties;
3. Planning Policy Statement 3 issued June 2010, removes gardens from Brownfield Land. This means there cannot be a pre-determined right to build in gardens. Recent guidance from the Mayor of London also LPIHSG policy 4B. also rejects building in gardens, and stresses the importance of gardens to the well being of a community;
4. We object due to the building of a property in this particular location, where long gardens are the norm and create the distinct character of the area, which is defined by open vistas and green spaces;
5. Whilst building a bungalow rather than a house might address some of the previous concerns, the foot print is larger than required previously;
6. Due to the size of the property it could become a house in Multiple Occupation;
7. The footprint of the proposal is larger than any of the other applications. It is more than twice the footprint of the average dwellings in this area. If you include permitted development allowances, you might as well concrete the whole site;
8. The bedrooms situated within the roof space have roof lights, thus the occupants of these rooms will not have any outlook at all. This does not lead to satisfactory living conditions for future residents;
9. 2 car parking spaces are allowed, this cannot be considered adequate for a dwelling housing for 10 persons. The position of the proposal is located on a bend with parking restrictions in the roadway. Lowlands Road already suffers from an excess of on road parking. This amount of extra vehicles can only exacerbate the congestion;
10. The kitchen/dining area/living room are shown as one room. This is large enough to be sub-divided, therefore this is a dwelling of at least 7 rooms;
11. This proposal is out of keeping with the area. The reasons given in the Inspector's report APP/R5510/A/09/2119321/WF are as relevant to this application as they were to the previous application. It is therefore apparent that any form of development at this unique and sensitive site would be contrary to PPS3 2010 and the Mayor of London LPIHSG, therefore we ask that this application be refused;
12. This is garden grabbing and totally inappropriate. We do not want our local area to look like a shanty town;
13. Two floors is unacceptable, any development allowed should only be single storey with a flat roof and no further extensions allowed . This would lessen the assault on visual amenity of the area;
14. How can a house with most of the bedrooms on a second floor be called a bungalow?
15. Over the past 10 years the applicant has made repeated attempts to put oversized houses on this site. Doesn't the Council have the power to deny further applications?
16. There is another application pending for a smaller bungalow adjacent to this site (rear of 104 Abbottsbury Gardens) these sites would compete for access to the same corner. Both of these sites are close to Cannon Lane School and parking chaos already occurs in the vicinity at school run times. Also the height differences between these two developments would be at odds, with one being overdominant;
17. The site is often waterlogged and this development would affect wildlife in the area. I would not allow access to the site via my property;
18. This will provide further stress to the existing services to the area, ie water mains, Schools, doctors, etc;
19. This is for financial gain, not necessity. There are many houses available to buy in the area,

there is no need to build more;

20. This involves 2 other plots and results in encroachment, it is not an opportunity of one corner plot;

21. This would compromise 'Green Pinner', soon to be an example;

22. A vehicle is likely to intrude on to the pavement while reversing from the site;

23. Please take into account all the history on this site and all previous comments made;

24. The proposal would result in shadow cast on the back gardens of 63-67 virtually all day.

Internal Consultees

Tree/Landscape Officer: There are a few trees, mostly small fruit trees and conifers, on and close to site. None of the existing trees are protected by a Tree Preservation Order (and the site is not in a Conservation Area), nor do they justify protection at this time.

The proposed development does not affect any trees protected by a TPO and there is scope for landscaping, such that subject to conditions TL5 and TL6, the application complies with policy BE38 of the Saved policies UDP. However, in this case there is now another landscape-related consideration.

As noted by the Inspector, who dismissed the appeal in August 2010, the site comprises three gardens that form part of green vista and green space between the semi-detached houses in Lowlands Road and Abbotsbury Gardens, and 'this feature strongly defines the locally distinctive context and suburban character of the area, and gives substance to the name of the roads such as Abbotsbury Gardens'. The Inspector also noted that 'the extensive back gardens forming the appeal site and its context make a strong contribution to the local distinctiveness and character of the area', which should be preserved or enhanced by proposed developments. Therefore, the effect of the proposed development on the openness and character of the area needs to be considered in this context, in terms of the relevant policies of the UDP and the London Plan.

Access Officer: In assessing this application, reference has been made to London Plan Policy 3A.5 (Housing Choice) and the Council's Supplementary Planning Document Accessible Hillingdon adopted January 2010.

The scheme should be revised and compliance with all 16 Lifetime Home standards (as relevant) should be shown on plan.

The following access observations are provided:

1. Level access should be achieved. Entry to the proposed bungalow appears to be stepped, which would be contrary the above policy requirement. Should it not be possible, due to topographical constraints, to achieve level access, it would be preferable to gently slope (maximum gradient 1:21) the pathway leading to the ground floor entrance door. Details in this regard should be requested prior to any grant of planning permission.

2. The proposed entrance porch should be designed to support the principle of Lifetime Home Standards accommodation, and should not, in any way, impede access into the dwelling house. Details in this regard should be requested prior to any grant of planning permission.

3. At least one bathroom/ensuite facility should be provided on the proposed ground and first floor, in accordance with the Lifetime Home standards. At least 700mm should be provided to one side of the WC, with 1100mm provided between the front edge of the toilet pan and a door or wall opposite.

4. To allow bathrooms to be used as wet rooms in future, plans should indicate floor gully drainage.

5. The plans should indicate the location of a future through the ceiling wheelchair lift, with technical specification shown on plan.

The Design & Access Statement should be revised to confirm adherence to all 16 Lifetime Home Standards.

Conclusion: unacceptable

It may be feasible to incorporate the standards without a fundamental redesign, however, the standards should ordinarily be incorporated at the design inception stage.

Waste and Recycling Officer:

The plan does show that a space has been allocated for the storage of waste and recycling, which is good practice. However, Hillingdon is not a wheeled bin borough. Bins or other containment would have to be provided by the developer. The current waste and recycling collection systems are:

- Weekly residual (refuse) waste, using sacks purchased by the occupier
- Weekly dry recycling collection, using specially marked sacks provided by the Council.
- Fortnightly green garden waste collection, three specially marked reusable bags provided by the Council free of charge, additional three can be purchased by occupier.

The residents would be required to present the waste and recycling at the curtilage of the property on the allocated collection days.

Director of Education: On the basis of the creation of a 1 x 8 room private house in Eastcote and East Ruislip, with no demolition, the requested amount is £10,885.

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): Residential Layouts: Section 3.4 states 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 the surrounding building lines, as a general rule the front and rear building lines should be a guide for the siting of new dwellings.

However, there have been a number of key changes in the policy context, since the adoption of the UDP (Saved Policies September 2007), adopted SPD guidance and the determination of previous applications on this site. This include 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 this application and should be given appropriate weight in the assessment of the scheme.

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;
- * bio diversity;
- * 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.

Notably, 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.

The London Plan Interim Housing supplementary Planning Guidance, and revised Planning Policy Statement 3 were both published prior to the submission of the application. As such they carry significant weight and whilst they do not introduce additional policy, they do provide clarity on the interpretation of existing policies within the London Plan. Whilst there is in general no objection to the principle of an intensification of use on existing residential sites it is considered that in this instance the loss of substantial sections of rear garden area in this location, the resulting built development and the necessary creation of additional areas of hardstanding with associated pedestrian and vehicular access to the site, would be detrimental to the local and historical context of the area, which is characterised by semi-detached properties with long rear gardens. When balanced against the limited contribution the developments would make toward achieving

housing targets in the borough it is considered that the principle of the proposed residential development is contrary to Policies 3A.3, 4B.1 and 4B.8 of the London Plan, guidance within The London Plan Interim Housing Supplementary Planning Guidance and Planning Policy Statement 3: Housing.

The previous application was tested at appeal (56032/APP/2009/967) and the inspector commented that he had now taken into account the revised central government advice when considering the proposal (as specified above). This central government advice was received after the determination of the previous application and before the determination of the appeal.

In his reasoning of the case the inspector commented:

"The appeal site comprises parts of three garden plots of houses in Lowlands Road which lie in the angle of the road as it is approached from Rushdene Road. This places the site in an almost unique location at the head of the axial line formed by the boundary of the long narrow gardens of properties in Lowlands Road and Abbotsbury Gardens. In my view this approach from Rushdene Road sets up a broad informal green vista between pairs of semi-detached dwellings. This striking balance of built form and green space viewed in perspective is repeated less forthrightly in the locality. This feature strongly defines the locally distinctive context and suburban character, and gives substance to the name of roads such as Abbotsbury Gardens.

While the current appeal scheme has been reduced in scale, this does not overcome the central consideration that development in this location, and of the scale and bulk proposed, would be visually over-dominant and unacceptably encroach on the openness of the informal vista created by the gardens of both roads. This would not only fail to enhance, but materially harm the suburban character and distinctiveness of the area. This harm is most apparent when viewed from the north east down the head of Lowlands Road, but would be compounded in views from the south east in Lowlands Road, where the proposed dwelling would impinge on the open context of the rear of Abbotsbury Gardens, where the sense of informal space would be further eroded. On this basis the proposed development would fail to harmonise with the existing street scene and would not either complement or improve the character of the area, contrary to policies BE13 and BE19 of the Hillingdon Unitary Development Plan.

As I understand it, the London Plan Interim Housing Supplementary Planning Guidance published by the Mayor of London and referred to by the Council has been issued for consultation. As this document is apparently still at that consultation stage I am able to afford it only limited weight. However, the document contains no new policy, but offers further guidance on how the policies of the London Plan can be best implemented. In relation to this case the document refers to policy 4B.8 which advises boroughs to work with local communities to recognise and manage local distinctiveness ensuring proposed developments preserve or enhance local social, physical, cultural, historical, environmental and economic characteristics. As I have set out above, I consider the extensive back gardens forming the appeal site and its context make a strong contribution to the local distinctiveness and character of the area. Having found that the proposals would fail to either preserve or enhance those characteristics, I conclude they would also be contrary to policy 4B.8 of the London Plan in the context in which it is framed in the LPIHSG.

I am drawn to this conclusion notwithstanding the view of the previous Inspector that the principle of the site being suitable to accommodate development of the general scale

proposed. To my mind the term general scale does not establish a sufficiently precise parameter to fetter my conclusions in respect of impact on character in this case. In my view, the scheme, being of the scale proposed and in this location, would obtrude into the open context of the informal vista of the rear gardens to the material detriment of the character of the area. I consider the degree of harm identified here sufficient on its own to merit the dismissal of the appeal, and as no express arguments have been put forward in relation to the more effective or efficient use of land in the support of the case, its status as garden land in relation to the amended definition of previously developed land set out in the reissued PPS3 is not a matter on which the case turns."

It is therefore considered that, in the light of both the aforementioned policy framework and the very recent appeal decision, the principle of a dwelling on this site is not acceptable.

7.02 Density of the proposed development

The key issue in this case is not the site density but the principle of development and its impact on the character and appearance of the area, as covered in other sections of this report.

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

Not applicable to this application as the site is not in an archaeological priority area, conservation area or an ASLC.

7.04 Airport safeguarding

Not applicable to this application as the site is not within an airport safeguarding area.

7.05 Impact on the green belt

Not applicable to this application as the site is not within or close to the Green Belt.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

The Deane Estate is characteristic 1930's development comprising semi-detached and detached properties with a variety of house styles. Although properties within the immediate vicinity of the application site are semi-detached there are also detached properties on this Estate. The properties are situated on large plots of land and generally have long gardens. The houses are set back from the road frontage by 8 metres to establish building lines. The area therefore has an open character and appearance.

The SPD HDAS: Residential Layouts, Section 5.11 states that the intensification of sites within an existing streetscape if carefully designed can enhance the appearance of the surrounding area and the form and type of development should be largely determined by its townscape context. New developments should aim to make a positive contribution to improve the quality of the area, although they should relate to the scale and form of their surroundings.

Planning Policy Statement (PPS) 3: Housing, states Whilst it is considered to be strategically important that sufficient housing is delivered, it is made clear in the policy that this should not be at the expense of quality. Paragraph 13 of this document clarifies this advice, stating that 'Design which is inappropriate in its context, or fails to take the opportunity available for improving the character and quality of an area and the way it functions should not be accepted.'

The proposed house would be set in from the boundaries by a minimum of 1m, so as to retain sufficient visual gaps around the dwelling and the design of the proposal may be considered appropriate in some instances (although concerns are raised about the

number of roof lights facing towards 63-67 Lowlands Road, which due to their siting, would be highly visible in the street scene) and the SPD Residential Layouts, Section 5.11 states that the intensification of sites within an existing streetscape if carefully designed can enhance the appearance of the surrounding area, the form and type of development should be largely determined by its townscape context. New developments should aim to make a positive contribution to improve the quality of the area, although they should relate to the scale and form of their surroundings. In this instance, it is considered that the siting of a dwelling in this location, its visibility and its proximity in the street scene, would result in a development which would fail to respect the established pattern of residential development in the area, would be visually over-dominant and unacceptably encroach on the openness of the informal vista created by the gardens of both roads resulting in material harm to the suburban character and distinctiveness of the area.

This view was confirmed by the previous appeal decision on the site (56032/APP/2009/967), in which the inspector commented:

"...the current scheme has been reduced in scale, this does not overcome the central consideration that a development in this location, and of the bulk and scale proposed, would be visually over dominant and unacceptably encroach on this informal vista created by the gardens on both roads. This would not only fail to enhance but materially harm the suburban character and distinctiveness of the area."

Whilst it is noted that the previous proposal related to a two storey dwelling with a ridge height of 8.6m, the current scheme would result in a proposal with a bigger footprint, together with a ridge height of 6.5m. It is not considered that the reduction in height of the proposal would overcome the principle concerns of developing the site.

In view of the above, it is considered the proposal would result in a detrimental impact on the visual amenities of the street scene and the wider area, and as such would fail to comply with Policies BE13 and BE19 of the Hillingdon Unitary Development Plan (Saved Policies September 2007), the Supplementary Planning Document HDAS: Residential Layouts and Planning Policy Statement (PPS) 3: Housing.

7.08 Impact on neighbours

With regard to the impact of the amenities on the adjoining occupiers, Sections 4.9 of the SPD: Residential Layouts, in relation to new dwellings, states all residential developments and amenity space should receive adequate daylight and sunlight, including habitable rooms and kitchens. The daylight and sunlight available to adjoining properties should be adequately protected. Due to the single storey nature of the proposal and the distances shown to the nearest residential properties it is not considered a material loss of outlook or light would result to those properties. Therefore the proposal would comply with policies BE20 and BE21 of the UDP (Saved Policies September 2007) and the guidance within the SPD: Residential Extensions.

This matter was further confirmed by the Inspector in the appeal decision dismissing application 56032/APP/2007/1287 (April 2007) when he stated:

"the separation distances between the facing elevations of the existing elevations and that which is proposed, are such that there would not be any significant loss of residential amenity whether by virtue of loss of light or harm to the outlook of existing occupiers.

With regard to privacy, the design guide requires that a minimum distance of 21m between habitable room windows and private garden areas is provided in order to protect privacy. The distance of the proposed house from the private garden areas of properties

on Lowlands Road and Abbotsbury Gardens would be in excess of 21m and as such would comply with this advice. Therefore the proposal is not considered to result in a material loss of privacy and would accord with Policy BE24 of the UDP (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 dwelling would be over 150m² (not including the integral garage). The SPD states that the minimum amount of floor space required for a 5-bedroom two storey house would be 108m² 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 a 4+ bed house should have a minimum garden space of 100m², and the development would comply with this advice, with a rear/side usable garden area over 400m². Whilst there would be a reduction in the amenity land for the remaining dwellings, the amenity space left for these properties would still be in excess of 100m². Therefore the proposal would comply with this advice and with Policy BE23 of the Hillingdon UDP (Saved Policies, September 2007).

7.10 Traffic impact, car/cycle parking, pedestrian safety

With regard to highway safety issues, this was considered by an earlier inspector's decision in relation to application 56032/APP/2005/1287, for a four bedroom house on this site and whilst the vehicular access point for the current scheme has been re-sited 6m further towards the northeast on this boundary, it is not considered to result in a material alteration to highway issues and as such these previous comments are still considered relevant:

"Whilst I note that vehicles would have to either reverse into or out of the driveway to the proposed dwelling, this arrangement is typical of many residential properties. I therefore conclude that acceptable access with adequate visibility in both directions would be achieved. I also note that the Council's Highway Engineer raised no concerns in relation to the proposed access. In light of the above and given that one extra dwelling would not significantly add to existing traffic flows I conclude that the proposal would not be detrimental to pedestrian and highway safety."

Therefore the proposal is considered to comply with Policies AM7 and AM14 of the Hillingdon UDP (Saved Policies, September 2007).

7.11 Urban design, access and security

As above

7.12 Disabled access

Whilst the Access Officer has raised objections to the proposal, the proposed size of the building is such that it would be possible to comply with all the lifetime homes requirements, mainly by changes to the internal layout. It is considered that these issues and the provision of level access could be conditioned should members wish to approve the application. Therefore, subject to conditions the proposal would accord with Policy 3A.4 of the London Plan and the Council's HDAS: Accessible Hillingdon.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

The Council's Trees and Landscape officer notes that there are a few trees, mostly small

fruit trees and conifers, on and close to site. None of the existing trees are protected by a Tree Preservation Order (and the site is not in a Conservation Area), nor do they justify protection. The proposed development does not affect any trees protected by a TPO and there is scope for landscaping, such that subject to suitable landscape conditions, the application complies with policy BE38 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.15 Sustainable waste management

Section 4.40 - 4.41 of the SPD: Residential layouts deals with waste management and specifies bin stores should be provided for, and wheelie bin stores should not be farther than 9m from the edge of the highway. The layout plan shows the siting of these in compliance with this advice. However, it is considered that should a permission be issued a condition is attached requiring the submission of details for approval and their subsequent implementation before the development was occupied.

7.16 Renewable energy / Sustainability

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

7.17 Flooding or Drainage Issues

The proposal is not within a flood plain, however, concerns from local residents have been raised with regard to the existing sewerage system in the locality and land drainage problems. This matter was considered by a previous inspector's decision in relation to application 56032/APP/2005/1287 (April 2007), for a four bedroom house on this site. The conclusion was drawn that these matters could be adequately dealt with by way of appropriate planning condition requiring the submission of suitable schemes for approval by the Local Planning Authority. As such, if members wish to approve this application it is recommended the above approach it taken to deal with this issue.

7.18 Noise or Air Quality Issues

With regard to any noise or disturbance caused by the proposed house and vehicular access road, it is considered the bend in Lowlands Road enables the proposed house to be accessed from a separate entrance to those serving existing properties in Lowlands Road. This access is situated some 30m from the rear of No.61 and the proposed additional house is unlikely to give rise to an increase in pollution, noise and disturbance to adjoining properties to justify refusal. The proposal would therefore comply with Policy OE1 of the UDP (Saved Policies September 2007).

7.19 Comments on Public Consultations

Points 6, 15 and 19 are not material to the planning consideration of this application, with regard to point 14, the term bungalow is often used to best describe development of this type and would infer the eaves height to be at first floor level, sometimes these dwelling types are called chalet bungalows or include a reference to habitable accommodation in the roof space, when using the term 2-storey dwelling this is understood to imply the eaves height at 2-storey. With regard to point 16, no objections have been raised by the highways engineer in relation to the application on the adjacent plot. The remaining points are addressed in the full report.

7.20 Planning Obligations

Policy R17 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) is concerned with securing planning obligations where appropriate to offset the additional demands made by new development upon recreational open space, facilities to support arts, cultural and entertainment activities, and other community, social and education facilities in conjunction with other development proposals. This is supported by more specific supplementary planning guidance.

It is considered that the scale of development proposed would generate a potential need for additional school facilities and Education Services advise that this scheme would need to make a total contribution to mitigate the impact of the development of £10,885. As the application is being recommended for refusal, no detailed negotiations have been entered into with the prospective developer in respect of this contribution. As no legal agreement to address this issue has been offered at this stage, the proposal fails to comply with Policy R17 of the UDP Saved Policies (September 2007) and it is recommended the application should be refused on this basis.

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

The proposal, due to the impact a residential dwelling of this nature, in this location, would have on the established pattern of residential development and historical character of the existing locality, would obtrude into the open context of the informal vista of these rear gardens, to the material detriment of the character of the area. As such, the proposal is considered contrary to policies in the Hillingdon Unitary Development Plan (Saved Policies

September 2007), the SPD HDAS: Residential Layouts, The London Plan and national policies and is thus recommended for refusal.

11. Reference Documents

Hillingdon Unitary Development Plan Saved Polices September 2007

HDAS: Residential Layouts

The London Plan (2008)

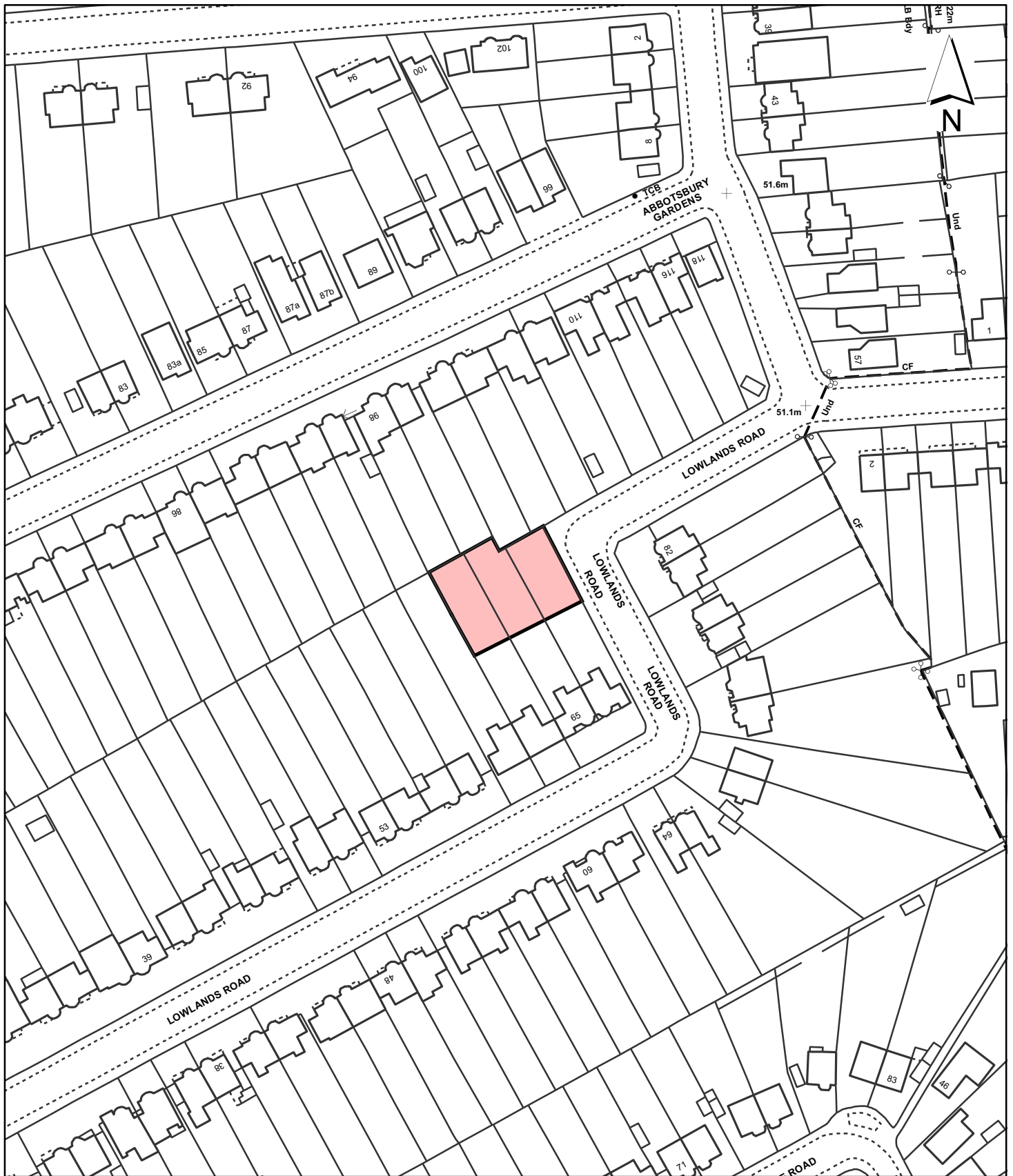
Supplementary Planning Guidance: Educational Facilities

Planning Policy Statement 3: Housing (June 2010)


The London Plan: Interim Housing Supplementary Planning Guidance (April 2010).

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Notes

 Site boundary

For identification purposes only.

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|--|--------------------------|
| Site Address | |
| Land at rear and forming part of 63, 65 & 67 Lowlands Road Eastcote | |
| Planning Application Ref: | Scale |
| 56032/APP/2010/2111 | 1:1,250 |
| Planning Committee | Date |
| North | December 2010 |

**LONDON BOROUGH
OF HILLINGDON**

**Planning, Environment
& Community Services**

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