

## Report of the Head of Planning & Enforcement Services

**Address** 41 FRITHWOOD AVENUE NORTHWOOD

**Development:** Part two, two and a half and three storey detached building with habitable roofspace and basement level comprising 2 four-bedroom and 4 three-bedroom flats with basement parking and landscaping, involving demolition of existing dwelling.

**LBH Ref Nos:** 1891/APP/2010/1465

**Drawing Nos:** Design & Access Statement  
Basement Access Statement, dated 25 March 2010  
Arboricultural Report dated June 2010  
4616/PL/01 Rev. E  
4616/PL/02 Rev. H  
4616/PL/03 Rev. H  
E-mail dated 8/10/10  
Daylight and Sunlight Report dated 11 August 2009  
4616/LP1  
Letter dated 10/11/10  
4616/PL/04 Rev. H  
4616/PL/05 Rev. H

<b>Date Plans Received:</b>	23/06/2010	<b>Date(s) of Amendment(s):</b>	23/06/2010
<b>Date Application Valid:</b>	23/06/2010		08/10/2010
			09/11/2010
			12/11/2010

### Reason for Urgency

Although this application has not been before Members of the committee at least 5 working days in advance of the meeting, it is considered to warrant urgent action as an appeal against non-determination has now been lodged and the Local Planning Authority needs to advise the Planning Inspectorate of the determination that would have been made, had the appeal not been lodged, within the appeal time frame.

### 1. SUMMARY

Planning permission is sought to erect a part two, part two and a half, part three-storey block of 2 x four-bedroom and 4 x three-bedroom flats with basement parking and habitable accommodation and associated landscaping. An appeal for non-determination has been submitted.

This application follows on from two previous applications on this site for flatted re-development which have both been refused, the first of which was also dismissed at appeal. Although not previously refused for resulting in a further over-concentration of flats in the road, the latest officer survey indicates that Frithwood Avenue already breaches the 10% HDAS guidance figure. Furthermore, whilst some improvements have been made, the overall scale of the building is still inappropriate for the site and the building represents an incongruous and cramped form of development on the site and results in an excessive loss of garden land. Given the siting of a number of ground and first floor bedroom windows, these rooms would not have an adequate outlook and the

proposal would not afford adequate amenity for its occupiers. Furthermore, inadequate tree information has been submitted to allow a proper assessment of the scheme and the access and refuse arrangements would prejudice highway and pedestrian safety. Finally, as no S106 Agreement has been offered at this stage, the scheme fails to make appropriate provision for additional educational facilities.

Therefore, had an appeal for non-determination not have been lodged, the scheme would have been refused for the reasons identified above and set out in more detail in this report.

## **2. RECOMMENDATION**

**That had an appeal for non-determination not been received, the application would have been refused for the following reasons:**

### **1 NON2 Non Standard reason for refusal**

The proposed development would result in the further over-concentration of flatted development on Frithwood Avenue and intensification of the residential use, which would be detrimental to the traditional character associated with family housing that has been retained at this end of Frithwood Avenue. The proposal is therefore contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

### **2 NON2 Non Standard reason for refusal**

The proposal by reason of its siting, excessive density, overall layout, size, height, bulk, site coverage and design would result in a cramped overdevelopment of the site and loss of garden space, represents a visually incongruous and over-dominant form of development that would fail to harmonise with the open character of the street scene and the scale and appearance of surrounding properties. The development would therefore be detrimental to the visual amenity of the street scene, contrary to Policies 3A.3 and 4B.1 of the London Plan (February 2008), the Mayor's Interim Housing Supplementary Planning Guidance (April 2010), Policies BE13, BE19 and BE21 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

### **3 NON2 Non Standard reason for refusal**

The proposal, by reason of the siting of the windows serving the bedrooms at the front of the side wing on the ground and first floors would not afford adequate outlook for their occupiers. The scheme would therefore fail to provide an adequate standard of residential amenity to the detriment of future occupiers, contrary to Policy BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

### **4 NON2 Non Standard reason for refusal**

The proposed access arrangements fail to provide satisfactory manoeuvring and off-street waiting space for vehicles whilst the access ramp is in use, which would not be overcome with the provision of a traffic light system. As such, the proposal would be likely to prejudice highway and pedestrian safety, contrary to Policy AM7 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

### **5 NON2 Non Standard reason for refusal**

The proposal fails to demonstrate that the arrangements to be made for refuse collection would be workable, so as to ensure that adequate facilities would be provided, in

accordance with Policies BE19 and AM7 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

**6 NON2 Non Standard reason for refusal**

The application fails to provide sufficient information regarding the impact of possible level changes close to protected trees at the front of the site (T18 (Thuja) and T15 (Beech) of TPO 149) and the possible threat to the Beech in relation to the proximity of ground floor windows of the right hand flat in bedrooms 2 and 3. The proposal is therefore contrary to Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**7 NON2 Non Standard reason for refusal**

The development is estimated to give rise to a 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. Given that a legal agreement at this stage has not been offered or secured, the proposal is considered to be contrary to Policy R17 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the adopted London Borough of Hillingdon Supplementary Planning Document HDAS: Planning Obligations (July 2008).

**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.

PPS1	Delivering Sustainable Development
PPS3	Housing
LP	London Plan (February 2008)
SPG	Residential layouts and house design.
BE13	New development must harmonise with the existing street scene.
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
H3	Loss and replacement of residential accommodation
H4	Mix of housing units
H5	Dwellings suitable for large families
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
HDAS	Residential Layouts Accessible Hillingdon
SPD	Hillingdon's Planning Obligations Supplementary Planning Document, July 2008

### **3. CONSIDERATIONS**

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

The application site is located on the north eastern side of Frithwood Avenue, some 190m to the north west of its junction with Watford Road and comprises a large detached property on a substantial plot. To the south east of the site is No.43 Frithwood Avenue, also a large detached property, while another detached property, No.39 abuts the site on the north western side, separated by a drive which provides vehicular access to a house at the rear of No.39 known as The White House. To the north east of the site is more recent infill development, with Nos. 9 and 11 Mountview, two relatively smaller detached houses immediately adjoining the site. The area slopes from the north east to the south west.

The application site is within an established residential area. Part of Frithwood Avenue (Nos.1 to 23 and 2 to 20) is within the Northwood, Frithwood Avenue Conservation Area. Frithwood Avenue comprises predominantly detached properties with a variety of designs, many of which have been converted, mainly into flats. The site is within the 'developed area' as identified in the Hillingdon UDP Saved Policies (September 2007). The site is also covered by TPO 149.

#### **3.2 Proposed Scheme**

Planning permission is sought to demolish the existing detached house and erect a building comprising 6 units within a part two/two and a half, part three storey block with front and rear balconies, basement parking and accommodation and landscaping. The application is described and the plans are labelled as 2 three-bedroom units on the ground/lower ground floors and 4 two-bedroom units on the first and second floors. However, the three-bedroom units, in addition to 2 very large living room areas also include a separate study; the flats on the first floor, in addition to a large living room and separate dining/kitchen room, would also have a separate study/TV room and on the second floor, in addition to separate dining and living rooms, the flats would also have a separate study/TV room. These are large units with generous living space and the studies and study/TV rooms clearly have the potential to be used as additional bedrooms without

the need for any alteration and the units would therefore be likely to be marketed/used as such. The application has therefore been described and assessed on this basis.

The main 2-storey element of the existing house is 14.7m wide (24.8 wide including the single-storey elements), 9m deep with a main ridge 10.1m to 10.6m high with a hip end roof and is set approximately 14.5m from the back edge of the pavement, taken from the mid-point of the building.

The proposed block of flats has undergone a number of amendments as part of this application and would now have an overall width of 22.7m and a maximum depth above the lower ground level of 20.6m. The main ridge would be 11.7m high. The building, excluding the front porch, would be set back 16.5m from the back edge of the pavement as measured from the centre of its elevation (15.5m at its closest point). The front elevation comprises 2 over-lapping front gable features, with 2 projecting ground floor bays with parapet walls, one with angled sides, the other flat with balconies above on the first and second floors, all of varying design with those on the second floor being recessed within the gables. To the side of the central gables would be recessed elements with front dormers in the roof and projecting ground floor bays with parapet walls at a different height to those on the gables. The roof would also oversail at the front so that its eaves would drop down and project by 1.5m from the main front wall of these elements. There would be another further recessed wing on each side elevation of the building, with a lower ridge height and rooflights in the front, side and rear of the roof and a ground floor which projects at the front, side and rear, covered by a pitched roof. The eaves would also extend at the front and rear, projecting by 1m, with the eaves projecting by 0.75m from the side wall. A flat roof porch with a projecting arched sky light above would project 2.2m from the gable features.

At the rear, the building would comprise two projecting wings on the outer edges of the block, with a linking ground floor, with first and second floor balconies above under hipped roofs.

The main roof of the building would have a complex form, mainly comprising gabled and hipped elements.

Basement parking for 9 spaces, including two disabled spaces would be provided. At the rear, the basement would provide living accommodation for the ground floor flats, with the floor space projecting a further 6m into the garden with sunken patios and external stairs given access to the main garden and decking areas above.

A number of reports have been submitted to support the application, namely:

Design & Access Statement:

This describes the site and the scheme as one which would enable local couples to 'down-size' once off-spring have left home but who still wish to have spacious living accommodation. Planning policy is then assessed and the reasons for refusal of the previous applications analysed. The statement erroneously claims that officers find the design of the scheme to be acceptable. The scheme is then considered under various categories, including design, siting & layout, street scene, landscaping, appearance and material selection, sustainability, security, public transport, private transport and parking, access and refuse. Under access, the possibility of providing a small scale 'traffic-light' system at the top of the basement access ramp is raised, which the statement considers could be dealt with by condition. It concludes by stating that the scheme is now fully

compliant with planning policy and overcomes all the previous objections and concerns raised by the previous Inspector on an earlier scheme and the proposal should be granted permission.

#### Daylight and Sunlight Report:

This describes the methodology used, following the British Research Establishment (BRE) guidelines. Constraints to the methodology are discussed. The report then considers concerns raised by the previous Inspector. The report notes that the previous Inspector did not raise any particular concerns as regards the impact of the development upon Nos. 39 and 43 Frithwood Avenue and if anything, this scheme represents an improvement. The main concerns related to the impact of a protected beech tree on the light available to the proposed accommodation. The report concludes that BRE guidelines would be satisfied and the re-positioning of the building further away from the tree will ensure that the windows will have a fairly unobstructed view of the sky and its impact would be minimal and any meaningful pressure would be reduced for a reduction in the height of the tree or even its removal by future occupiers.

#### Basement Access Statement:

This provides technical details of the proposed basement access ramp and concludes that the proposed vehicular access would be suitable to serve the development.

#### Arboricultural Report:

This describes the trees on site and includes a tree survey. The impact of the proposed development on these trees is assessed and tree protection is discussed. The report concludes by noting that the site, in addition to the retention and protection of existing trees, has potential for new tree planting.

### **3.3 Relevant Planning History**

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

An application for the erection of a three storey building, comprising 8 two-bedroom apartments, to include basement parking and landscaping (1891/APP/2008/1844) was refused on the 15th August 2008 on grounds of:

1. the building having an excessive site coverage and density, resulting in a cramped development, visually incongruous and overdominant in street scene
2. inadequate amenity space
3. use of dark grey anodised aluminium on study room windows would be harmful to living conditions of future occupiers and energy conservation
4. overdominance and overshadowing of No. 39 Frithwood Avenue
5. restricted width and design of the vehicular access would have a detrimental impact on highway and pedestrian safety
6. proposed parking provision excessive, contrary to the Council's maximum car parking standards
7. in the absence of a Tree Survey and Arboricultural Implication Assessment, no safeguard that existing trees on the site would be retained
8. no education contribution.

An appeal was subsequently lodged and dismissed on 26th June 2009.

A further application 1891/APP/2009/1757 for the erection of a three storey building comprising 2 four-bedroom, 2 three-bedroom and 2 two-bedroom flats with basement

level parking and accommodation and habitable roofspace was refused on the 6 November 2009 for the following reasons:

1. The proposal by reason of its siting, design, overall layout, size, height, bulk and site coverage would result in a cramped overdevelopment of the site, which is visually incongruous and over-dominant and would be intrusive and detrimental to the open character and visual amenity of the area. The development therefore fails to harmonise with the street scene and open character of the surrounding area, and is therefore contrary to Policies BE13, BE19 and BE21 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3A.3 and 4B.1 of the London Plan and the Council's HDAS: 'Residential Layouts'.

2. The proposal, by reason of the siting of first floor balconies on the side elevations of the building, would result in the unacceptable overlooking of adjoining residential properties, Nos. 39 and 43 Frithwood Avenue, detrimental to their residential amenities, contrary to Policy BE24 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's HDAS: 'Residential Layouts'.

3. The proposed habitable rooms that would have front and rear facing windows in the side wings of the buildings, due to their siting, layout and restricted size of window opening, would fail to provide an adequate outlook and natural lighting for future residential occupiers. As such, the rooms would not afford an appropriate standard of residential accommodation and their use would be likely to be more reliant upon artificial means of illumination, contrary to Policy BE20 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy A4.3 of the London Plan (February 2008).

4. In the absence of full information and due to the close proximity of the proposed work (including demolition) to the trees (in particular T15) on and close to the site, this scheme makes inadequate provision for the protection and long-term retention of protected trees covered by TPO 149, contrary to Policies BE13, BE19 and BE38 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

5. The proposal, due to the steep gradient of the vehicular access ramp and pedestrian footway, together with the excessive width of the vehicular crossover, would fail to provide adequate access arrangements to the building, which would likely result in increased on-street parking and be detrimental to highway and pedestrian safety, contrary to Policy AM7(ii) of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

6. 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. Given that a legal agreement at this stage has not been offered or secured, the proposal is considered to be contrary to Policy R17 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the adopted London Borough of Hillingdon Planning Obligations Supplementary Planning Document (July 2008).

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

##### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

- PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.
- PT1.16 To seek to ensure enough of new residential units are designed to wheelchair and mobility standards.
- PT1.39 To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.

Part 2 Policies:

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- LP London Plan (February 2008)
- SPG Residential layouts and house design.
- BE13 New development must harmonise with the existing street scene.
- 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
- H3 Loss and replacement of residential accommodation
- H4 Mix of housing units
- H5 Dwellings suitable for large families
- R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities
- AM7 Consideration of traffic generated by proposed developments.
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- AM14 New development and car parking standards.
- AM15 Provision of reserved parking spaces for disabled persons
- HDAS Residential Layouts  
Accessible Hillingdon
- SPD Hillingdon's Planning Obligations Supplementary Planning Document, July 2008

## 5. Advertisement and Site Notice



**5.1** Advertisement Expiry Date:- **3rd August 2010**

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

26 neighbouring properties have been consulted and a site notice has been displayed. A petition with 24 signatories and 4 individual responses, objecting to the proposal have been received.

The petitioners state:

'Our objections are:

\* The size and bulk of the proposed construction is completely out of proportion to neighbouring properties in the immediate area.

\* A two-storey building plus a third-storey habitable roofspace would be too dominant and intrusive in this avenue particularly taking into account the geography with the north-side properties standing at a more elevated level compared to the road.

\* This massive construction would be in an area close to the Northwood Conservation area and would in no way complement the surrounding area which is made up of detached homes with character set on generous-sized plots.

\* The garden which helps to give this avenue its attractive green and leafy appearance will be substantially reduced and existing planting lost.

\* The proposed development is in our view totally out of keeping with the character of this avenue.

\* This part of Frithwood Avenue becomes extremely congested during the morning and afternoon every day when parents of children who attend the nearby Frithwood Primary School park on both sides of the road while dropping off and collecting. Increasing the number of cars accessing this area and with the proposed 'traffic light' system which could force cars waiting to enter the basement-level car park to block the pavement or reverse back onto the road would make this situation more dangerous, especially for pedestrians.'

Points raised by responses from individuals:

(i) Frithwood Avenue is one of few remaining roads in Northwood that contains period properties of individual character. Scale and density of proposed development with terraces out of all proportion and fails to harmonise with properties in the immediate vicinity and being close to the Northwood Conservation Area, scheme is completely out of keeping with area and would spoil Northwood's heritage;

(ii) Extra traffic would exacerbate severe congestion and safety concerns on Frithwood Avenue which occurs for at least two hours a day due to Frithwood Avenue being main parking street and access for Frithwood School;

(iii) Sheer imposing mass and size of building will completely overwhelm neighbouring properties, dramatically impinging upon enjoyment of house and garden;

(iv) Proposal will overlook No. 39 Frithwood Avenue, particularly to main bedroom and dining room windows. Obscure glazing and non-openable windows are not suited to the living areas;

(v) Proposal will reduce sunlight and daylight and block view from No. 39 to the east/south east, particularly from main bedroom, dining room and small rear and larger front garden;

(vi) Building would extrude onto part of the 'greenfield garden area' and existing planting at the front and rear would be lost;

(vii) Extra load to the infrastructure will be detrimental to existing properties;

(viii) Additional concreted ground could increase risk of flooding;

(ix) Plans seem little different from previous schemes;

- (x) Of the 55 plots, the number in multiple occupancy (17) is already 30%, exceeding the 10% planning guideline;
- (xi) Multi-occupation with 12-15 people, including children will create noise. Developers state, but cannot control that there will be no children;
- (xii) Proposal will increase pollution;
- (xiii) New plans not acceptable just because they do not have some of the design weaknesses of the old plans;
- (xiv) Sunlight report prepared for previous scheme and therefore not applicable and invalid;
- (xv) Proposal is not 'now acceptable to all parties' as neighbours object;
- (xvi) Scheme considered by previous Inspector was completely different to this scheme;
- (xvii) Proposed traffic light solution to Inspector's concerns about danger to pedestrians and cars would not solve the problem of vehicles entering site when access is blocked.

Northwood Residents' Association:

Beech tree T15 can reach 120 foot height and 50 foot branch and root span, with risk to development. The fixed side opening windows will not admit air to rooms (whilst not a current requirement, it is likely to be so). In terms of Policies BE13, BE19 and BE21, size and bulk will affect the residential amenity for Nos. 39 and 43; Policy Pt1.8, development does not preserve or enhance features of the Conservation Area; Policy BE13, does not harmonise with existing street scene; Policy BE19, does not compliment or improve street scene; Policy BE23, the bulk still limits the amenity space (development on original footprint would not) and Policy OE1, it still does not protect the character and amenity of the area.

Thames Water:

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

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.

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

### **Internal Consultees**

Urban Design/Conservation Officer:

The site contains an attractive, traditionally designed, probably mid 1930s, brick built two-storey house set at angle to the road and positioned forward of its immediate neighbours. This part of the street, whilst not designated, has quality both in terms of its townscape and the architecture of a number of the houses. Many of these, both modern and original to the construction of the street, are large, architecturally varied and well detailed. The majority sit in mature gardens, with large trees and soft boundary treatments that form a green setting for the buildings and provide the area with a distinctive townscape character. Overall, the street has a spacious character, largely derived from the generous garden plots, the spaces between the properties and the gap views these afford

between the houses.

RECOMENDATION: Given the quality of the existing building, our preference as previously would be to retain and convert it to flats.

As the current proposal is for a new structure, there would be no objection in principle to the use of a good modern design for a replacement building of appropriate scale and massing. The currently proposed building is however, of a design that would appear contrived, with a large footprint and an elevational design and roof form that have been staggered and contorted to reduce the apparent bulk of what would be an overlarge and visually intrusive structure. As a result, the street elevation would appear overly fussy, with the elevation split across numerous different planes and an uncomfortable relationship between the large gables, recessed balconies and projecting porch. The proposed roof would appear bulky and its complex form would be at odds with the simple roofs of the adjacent properties. The excessive depth of the flank walls would be visible in gap views from the street, as would the overly large overhangs at eaves level and unattractive slot-like windows. To the rear the revised elevation would appear rather municipal in comparison with the overworked street elevation. In addition, the ground floor plan and elevation do not accord.

The access to the underground car park with sloped approach, passing place and retaining walls would be visible from the street and would create an urban and hence uncharacteristic feature within the streetscape of the area.

Overall, it is considered that the proposed building would because of its large footprint, appear cramped on the site. Given its bulk and poor design, it would also dominate and detract from the local street scene.

RECOMMENDATION: Support refusal on grounds of unsuitable design, overbearing bulk and massing.

Tree Officer:

There are several protected trees on and close to the site, notably the Beech and Western Red Cedar at the front of the existing house, which contribute to the visual amenity and character of the locality and are landscape features of merit in terms of Saved Policy BE38.

The trees at the rear of the site will not be affected by the proposed development. However, it is not possible to make a full and detailed assessment of the potential impact of the development on the trees at the front of the site. Both trees at the front might be affected by the excavations associated with the basement and access to it, and possible changes in levels, and the Beech might be under threat due to its location in relation to the bedrooms (2 and 3) in the nearest front corner of the building and its shade effect on those rooms, and the inconvenience to future occupiers of those flats. The application does not include detailed method statements dealing with the construction works and related activity, levels, and tree protection, or include much information about the proposed levels in proximity to the trees, and it is not clear whether or not the finding in the daylight and sunlight report take account of the presence of the Beech tree (in the ADF analysis) especially as the tree stands in the middle of the view from bedroom 3.

For these reasons the revised proposal makes inadequate provision for the protection and long-term retention of the protected Beech and Cedar trees, the loss of which would be harmful to the visual amenity and character of the locality. The revised proposal is therefore unacceptable and contrary to Saved Policy BE38 of the Hillingdon UDP.

Highway Officer:

9 car parking spaces including two disabled bays and 7 cycle parking spaces are proposed on the lower ground floor, which accord with the Council's requirements. In addition, 1 motorcycle space is proposed.

Access to the car park is through a ramped access, which is approximately 3.3m in width, hence is suitable for use by one car at a time. A passing area is proposed at the top of the ramp near the access point. The proposed 1:10 gradient of the ramp is acceptable.

The design and access statement suggests that shuttle signals will be installed to control the vehicles entering the access ramp, which is required as the ramp width is not suitable for two cars to pass each other and there is inadequate visibility of oncoming vehicles on the ramp. Details of the proposals and location of the shuttle signals have not been submitted. Signal at the top of the ramp would be required to be 10m (min) from the highway's boundary to allow two cars to wait in front of the signal without overhanging the highway. This would result in inadequate space for the oncoming vehicles to pass (based on the proposed layout). The location of the signal and associated sensor, and vehicles waiting area on the lower ground floor has also not been provided. In the absence of this information, given the limited space on the lower ground floor and the need for vehicles to wait at a location to allow satisfactory manoeuvring space for the oncoming vehicles, the layout is considered to be unsatisfactory.

Pedestrian splays of 2.4m x 2.4m in both directions at the access should be provided.

The refuse area is proposed in the basement, which is not acceptable. The normal acceptable trundle distance for refuse bins is 10m from the highway. In addition to the refuse location being too far from the highway, the trundling of heavy four wheeled bins over a car park ramp would have health and safety implications and is therefore impractical at its proposed location. The submitted documents do not propose a private refuse collection arrangement, however if this were to be proposed, the lower ground floor would not have a turning space (particularly when the parking spaces are occupied) to allow the collection vehicle to enter/egress the lower ground floor in a forward gear.

Consequently, the proposed development fails to provide the refuse store in an acceptable location and an acceptable vehicular access arrangement, contrary to the Council's Policies AM7. The proposals are therefore recommended to be refused.

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. To support the 'Secured by Design' agenda, accessible car parking bays provided as part of a Lifetime Home development should not be marked. Car parking spaces should instead be allocated to a specific unit, allowing a disabled occupant to choose whether the bay is marked.

REASON: Bays that are not allocated would not guarantee an accessible bay to a disabled resident. Similarly, a disabled person may not necessarily occupy an accessible home allocated a 'disabled parking' space. Marking bays as 'disabled parking' could lead to targeted hate crime against a disabled person.

2. The lobby arrangement at lower ground floor level is too small. It should be no less than 1200mm wide and provide at least 1570mm between the swing area of both doors.
3. The bathrooms/en-suite facilities should be designed in accordance with 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 proposed ground floor duplex flats plans should indicate the location of a future 'through the ceiling' wheelchair lift.

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

Recommendation: Revised plans that incorporate the necessary amendments should be requested prior to any grant of planning permission.

Environmental Protection Officer (Land Contamination):

The above application relates to a residential development, which will be introducing more sensitive receptors to the site. We have no specific information in relation to land contamination at this site. If it is likely soil will be imported to the site as part of the development, if on site soils are unsuitable, it is advisable to include the following condition for imports to ensure they are suitable for use.

'No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. All imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted to the Local Planning Authority for approval.

Note: The Environmental Protection Unit (EPU) must be consulted for their advice when using this condition.

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).'

It is noted that the development will have a couple of flats at least partially underground. It is recommended under the building regulations that they consider the possible risks from ground gas and radon as part of the development because of this. Advice is available in Approved Document C.

There is an area to the north of Northolt, in Hillingdon, where it is estimated 1 to 3 per cent of properties may have radon exposure levels above 200 Bq/m<sup>3</sup> averaged over a year. Given the quality of the map it is not clear if it includes this part of Northwood. The rest of Hillingdon is recorded as having up to 1 per cent of properties affected by radon at the same level. This information was taken from the UK radon atlas (2007) available at: <http://www.hpa.org.uk/Publications/Radiation/HPARPDSeriesReports/HPARPD033IndicativeAtlasofRadoninEnglandandWales/>

For the 1-3 per cent areas, there is no requirement at present for local planning authorities to take action. However, it is recommended that the developer at least consider the risk of radon, given some of the dwellings are partially underground. Further advice is available from the HPA and UK

Radon websites.

Education Services:

An education contribution of £34,727 is sought (£0 - Nursery, £3,831 - Primary, £10,411 - Secondary and £20,485 - Post-16).

Waste Services: Estimate of the waste arising from the development to be as shown below:

4 x two bedroom flats - 170 litres of weekly waste per household, total = 680 litres

2 x four three bedroom flats - 240 litres of weekly waste per household, total = 480 litres

Total = 1,160 litres

I would recommend the use of 1 x 1,100 litre bulk eurobins to safely and hygienically contain the residual waste. The dimensions of this bin bulk type are 1.370mm (height), 990mm (depth) and 1.260mm (width).

Dry recyclables could be collected through the sack service, and residents could be provided with the specially marked sacks.

b) The application states the 1,100 litre eurobin will now be stored in the basement parking area.

c) If this is the case there needs to be at least 150mm clearance in between the bin and the walls of storage area, based on the size of bin above. The height of the storage area should be at least 2 metres, to allow the lid of the bin to be fully opened.

c) The floor of the bin storage area should have a surface that is smooth and that can be washed down. The material used for the floor should be 100mm thick to withstand the weight of the bins. Ideally the walls of the bin storage area should be made of a material that has a fire resistance of one hour when tested in accordance with BS 472-61.

d) If there is a gate/door on the bin store this needs to be made of either metal, hardwood, or metal clad softwood and ideally have fire resistance of 30 minutes when tested to BS476-22. The door frame should be rebated into the opening. Again the doorway should allow clearance of 150mm either side of the bin when it is being moved for collection. The door(s) should have a latch or other mechanism to hold them open when the bins are being moved in and out of the chamber.

g) The collectors should not have to cart a bulk bin more than 10 metres from the point of storage to the collection vehicle (BS 5906 standard).

h) The gradient of any path that the bulk bins have to be moved on should ideally be no more than 1:20, with a width of at least 2 metres. If the bin is being stored in the basement this may be difficult. An incline of 1:12 would be the absolute limit. The surface should be smooth. If the chamber is raised above the area where the collection vehicle parks, then a dropped kerb is needed to safely move the bin to level of the collection vehicle.

i) The value of the construction project is likely to be in excess of £300,000. If so the Site Waste Management Plans Regulations 2008 apply. This requires a document to be produced which explains how waste arising from the building works will be reused, recycled or otherwise handled. This document needs to be prepared before the building work begins.

j) The client for the building work should ensure that the contractor complies with the Duty of Care

requirements, created by Section 33 and 34 of the Environmental Protection Act.

## **7. MAIN PLANNING ISSUES**

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

There is no objection in principle to the demolition of the existing house which does not have any intrinsic architectural or historical interest.

The proposal, with a much larger footprint than the existing house, involves the development of garden land within an established residential area. Additional guidance on the development of gardens and the interpretation of related policies has recently been published and is an important material consideration in determining the principal of development on this site.

Key changes in the policy context, includes the Letter to Chief Planning Officers: Development on Garden Land dated 19/01/2010, The London Plan Interim Housing Supplementary Planning Guidance 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".

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 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."

On the 9th June 2010, Government implemented the commitment made in the Coalition Agreement to decentralise the planning system by giving Local Authorities the opportunity to prevent overdevelopment of neighbourhoods and 'garden grabbing' in the amended Planning Policy Statement 3: Housing (PPS3). The key changes are as follows:

\* Private residential gardens are now excluded from the definition of previously developed land in Annex B.

\* The national indicative minimum density of 30 dwellings per hectare is deleted from paragraph 47.

Together, these changes emphasize that it is for local authorities and communities to take the decisions that are best for them, and decide for themselves the best locations and types of development in their areas. The amended policy document sets out the Secretary of State's policy on previously developed land and housing density. Local Planning Authorities and the Planning Inspectorate are expected to have regard to this new policy position in preparing development plans and where relevant, to take it into account as a material consideration when determining planning applications.

The key point in relation to the proposed scheme is that residential gardens are no longer included within the definition of 'previously developed land' ie. 'brownfield land'. There is hence no automatic presumption that residential gardens are nominally suitable for development or redevelopment, subject to compliance with normal development control criteria.

As regards the principal of developing this site, it is considered that in this instance, the excessive loss of and in-depth development of the side and rear garden would be detrimental to the spacious character of the area. This is discussed in more detail at the relevant sections in the report.

Furthermore, proposed development should be compatible with the character and appearance of the surrounding area and to this end, it is important to ensure that any proposal avoids an over-concentration of flatted development which may compromise the character of the area. Paragraph 3.3 of the Council's Supplementary Planning Document (SPD) HDAS: Residential Layouts advises that 'the redevelopment of large plots and infill sites currently used for individual dwellings into flats is particularly common in the north of the borough .....the redevelopment of large numbers of sites in close proximity to each other is unlikely to be acceptable, including large numbers of redevelopments on any one street. The redevelopment of more than 10% of properties on a residential street is unlikely to be acceptable, including the houses which have been converted into flats or other forms of housing.' The above document underpins and supports saved policies BE13 and BE19 of the Unitary Development Plan, which seek to protect the impacts of flatted development on the character and amenity of established residential areas.

A large number of properties on Frithwood Avenue have already been converted to flats and a couple of plots have been redeveloped into flats or other forms of housing. In total, of the 54 properties, 18 have either been converted or redeveloped. This proposal, if implemented, would take the overall percentage from 33% to 35%, greatly exceeding the 10% guidance figure. This has not formed a reason for refusal previously and in considering a previous appeal at No. 37 Frithwood Avenue for a flatted redevelopment scheme (which was dismissed), the Inspector stated at Paragraph 5 in his decision letter dated 4th March 2010 that 'the proposal would comply with the advice in the Council's Supplementary Planning Document - Residential Layouts, which allows for up to 10% of dwellings within a residential street to be re-developed for flats. As such, in principle there is no objection to the redevelopment of the site for flats.' However, it appears the Inspector was in error as clearly there was a breach. Given that this end of Frithwood Avenue has tended to retain more of its traditional family housing and character, it is considered that policy guidance still serves a useful purpose, preventing the intensification



of the residential use, that would further erode the traditional residential family character of the street. As such, the scheme is contrary to Policies BE13 and BE19 of the adopted Hillingdon Unitary Plan Saved Policies (September 2009) and Paragraph 3.3 of the Council's SPD HDAS: Residential Layouts.

In terms of the loss of a family dwelling, Policy H5 states that the Council will encourage the provision of dwellings suitable for large families. The proposal would result in the loss of a five bedroom detached house, strictly contrary to the intent of Policy H5. However, its replacement with 2 four-bedroom and 4 three-bedroom units is considered to offset this loss, as it would provide a greater number of units, which would meet the need for family accommodation and other forms of housing in the Borough.

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

London Plan Policy 3A.3 seeks to maximise the potential of sites, compatible with their local context and design principles in Policy 4B.1 (Design principles for a compact city) and with public transport capacity. Boroughs are encouraged to adopt the residential density ranges set out in Table 3A.2 (Density matrix - habitable rooms and dwellings per hectare), which are considered to be compatible with sustainable residential quality.

The site has a Public Transport Accessibility Level (PTAL) of 1a on a scale of 1 to 6 where 1 represents the lowest level of public accessibility. Table 3A.2 recommends that developments within a suburban residential setting with a PTAL score of 1 and with an indicative size of 3.8-4.6 hr/unit, should be within the ranges of 150-200 hr/ha and 35-55 units/ha.

Although with an indicative size of 8.6 hr/unit, the flats would fall outside of the indicative size range, the proposed density for the site would be 322 hr/ha and 37 units/ha, of which the former greatly exceeds the London Plan guidelines. The habitable room density is considered to be excessive, particularly having regard to the spacious character of the area, which is evidenced by the other adverse impacts of the scheme discussed in other sections.

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

It is considered that the application site is too remote from the eastern boundary of the Northwood, Frithwood Conservation Area, which lies some 100m to the west of the site, to have an impact on the visual amenities of the conservation area in particular. The impact on the visual amenities of the area in general are considered elsewhere in the report. The proposal would also not affect any listed buildings, areas of special local character or any areas important for archaeology.

#### **7.04 Airport safeguarding**

There are no airport safeguarding issues raised by this proposal.

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

There are no Green Belt issues raised by this application.

#### **7.06 Environmental Impact**

Not applicable to this application.

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

Policy BE13 of the saved UDP states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the Local Planning Authority considers it desirable to retain or enhance. Policy BE19 seeks to ensure that new development within residential areas complements or improves the amenity and character of the area.

This part of Frithwood Avenue is outside the Conservation Area. It has, nevertheless, a

pleasant domestic appearance, with some attractive, interwar detached houses interspersed with smaller post-war houses, all set within generous plots amongst mature trees and planting. There are several trees on and adjoining this site, some of which are protected by TPO 149.

A number of revisions have been made to the previously refused scheme (1891/APP/2009/1757) in an attempt to overcome the Council's concerns relating to the bulk, massing, site coverage and design. These can be summarised as follows:

- \* The ground floor width of the building has been reduced from 23.8m to 22.6m,
- \* The main depth of the building has been reduced from 23.6m to 20.1m,
- \* The main building has been recessed further back from the front gables,
- \* The large crown roof has been omitted and replaced with a complex roof form comprised of more traditional elements,
- \* The side balconies have been removed.

There is no defined front building line on this part of Frithwood Avenue and properties generally have a staggered orientation to the road. Although the proposed building would be sited forward of both adjoining properties, the main building at its closest point would still be set back by 15.5m from the road, which would be adequate to prevent the building appearing unduly prominent, particularly given the closer siting of the houses to the east of the application site and the proposed building would not be set as far forward on its plot than the existing house.

The proposed modifications to the scheme would result in the building being set off the side boundary with No.39 by 3.5m and 3.7m from No.43. The building would also be sited further back on its plot by approximately 2m. Although these revisions would be improvements, it is still considered that the building would appear as an overly large and bulky structure. The side elevations of the building would be clearly discernible within the street scene showing the full depth and mass of the building. The building would not be compatible with the size and mass of adjoining houses.

The Council's Urban Design Officer considers that the currently proposed building would appear contrived, with a large footprint and an elevational design and roof form that have been staggered and contorted to reduce the apparent bulk of what would be an overlarge and visually intrusive structure. This results in the street elevation appearing overly fussy, with the elevation split across numerous different planes and an uncomfortable relationship between the large gables, recessed balconies and projecting porch. The proposed roof would appear bulky and its complex form would be at odds with the simple roofs of the adjacent properties. The excessive depth of the flank walls would be visible in gap views from the street, as would the overly large overhangs at eaves level and unattractive slot-like windows. To the rear the revised elevation would appear rather municipal in comparison with the overworked street elevation.

The access to the underground car park with sloped approach, passing place and retaining walls would be visible from the street and would create an urban and hence uncharacteristic feature within the streetscape of the area.

Overall, it is considered that the proposed building would because of its large footprint, appear cramped on the site. Given its bulk and poor design, it would also dominate and detract from the local street scene.

Since the previous application was determined, new guidance has been published on the

loss of gardens. In this instance, it is considered that the proposed building, with its large basement and access ramp, which would project significantly further into the rear garden than the existing house would significantly reduce the area of garden at the site, which would be detrimental to the open and verdant character of the surrounding area.

The agent has carried out an assessment into recent appeal decisions for redevelopment schemes on Frithwood Avenue, namely at Nos. 25 and 37 Frithwood Avenue and considers that the latest revised plans now accord with the general footprint ratios as compared to plot size allowed at appeal. However, the scheme at No. 37 was for a smaller building which was dismissed at appeal and the building at No. 25 is further to the west, where existing buildings tend to be larger and the building itself was set back further on its plot. There is still the need to view each application on its individual merits.

In this instance, the proposal given its excessive density, size and bulk, coupled with its inappropriate design, with a contrived and poorly conceived front elevation would result in a cramped overdevelopment of the site and unacceptable loss of garden space, detrimental to the visual amenity of the street scene, contrary to Policies 3A.3 and 4B.1 of the London Plan (February 2008), the Mayor's Interim Housing Supplementary Planning Guidance (April 2010), Policies BE13, BE19 and BE21 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

## **7.08 Impact on neighbours**

The main front and rear elevations of the proposed building would project beyond the adjoining front and rear elevations of No.39 by approximately 6m and 4m respectively and by 5m and 3m from No.43. The staggered front elevation of the proposed building and the set-ins from the side boundary would ensure that the proposal would not encroach upon a 45° line of sight taken from the main habitable room windows in the front and rear elevations of the adjoining properties. There are also no habitable room windows in the side elevation facing the application site at No.43 and although there are habitable room windows in the side elevation at No.39 (a ground floor sitting room and first floor bedroom), these are secondary windows to the main windows on the front elevation at the property.

The Inspector in considering the previous application (1891/APP/2008/1844) reasoned that No.39 is separated from the site by an access way leading to the White House at the rear. He concluded that this separation, coupled with the screening on this boundary would be sufficient to ensure that the proposal would not appear unduly dominant upon No.39, even taking into account that it has a very small rear garden. As regards No.43, although the separation distance would be less, this property is sited on higher ground and has a larger rear garden so that the Inspector was able to conclude that adequate living conditions would be maintained. The overall depth of the currently proposed building has been reduced and the side elevations of the building have been moved further away from the adjoining properties. As such, it is considered that the proposal represents an improvement upon the previous scheme considered by the Inspector in terms of the impacts of dominance and sunlight. Furthermore, the side windows and rooflights proposed either serve non-habitable rooms or are secondary and could be obscure glazed and fitted to be non-opening to safeguard the privacy of adjoining properties, while the balconies, where appropriate, could be fitted by privacy screens. This could have been dealt with by condition had the application been recommended for approval.

The proposal would maintain an adequate distance to the adjoining properties at the rear (Nos. 9 and 11 Canterbury Close), so as to maintain their privacy. As such, the scheme is considered to comply with Policies BE120, BE21 and BE21 of the adopted Unitary Development Plan Saved Policies (September 2008).

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

All the units comply with the Council's HDAS guidelines for minimum internal floor areas with generous internal floor areas. The ground floor/lower ground floor units would have 9 habitable rooms (a number of the rooms count as two habitable rooms given their size and configuration) and are described as 3 bedroomed, although they both have separate studies which could be used as a fourth bedroom with no alteration and the first and second floor flats have 8 and 9 habitable rooms respectively and have a large living room, separate dining/TV and study/TV rooms and again, it is considered that at least one of these rooms could easily be converted to a third bedroom and the application has been described as such.

In relation to outlook and privacy, Policies BE21 and BE24 require new residential developments to be designed so as to ensure adequate outlook and privacy for occupants of the site. In relation to sunlight access, Policy BE20 of the UDP seeks to ensure that buildings are laid out to provide adequate sunlight and preserve the amenity of existing houses.

The proposal includes ground and first floor bedrooms, in the side wings of the building which would be sited immediately adjacent to the main side elevations of the building. Although the first floor rooms also have side windows, these would need to be obscure glazed and non-openable to safeguard the privacy of the adjoining properties. In such a position, it is considered that the primary windows serving the rooms would not afford an adequate outlook, which in the case of the right hand flats, would be compounded by the proximity of a protected Beech tree. These four bedrooms would have inadequate outlook, that would fail to afford an adequate standard of amenity for their future occupants, contrary to Policy BE20 of the saved UDP.

Policy BE23 of the Unitary Development Plan requires the provision of external amenity space which is sufficient to protect the amenity of the development and surrounding buildings, and which is usable in terms of its shape and siting. In addition, the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document) Residential Layouts seeks to ensure that an adequate amount of conveniently located amenity space is provided in new residential developments.

The block would be provided with a shared garden area at the rear of approximately 340m<sup>2</sup>, which equates to 57m<sup>2</sup> of amenity space per dwelling. Access to the space for the first and second floor flats would be at the side of the building and sufficient space would be available to allow for planting/screening to be provided to ensure that this access did not result in the loss of privacy to the ground/lower ground floor units. In addition, the ground/lower ground floor flats have large (92m<sup>2</sup>) patio areas, which are separated from the shared amenity space by planting which could provide a suitable privacy screen. The flats also all have balconies. It is considered that the quantity and quality of the amenity space provision in this revised scheme is adequate for future occupants in order to satisfy design guidance, in compliance with Policy BE23 of the saved UDP.

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

The Council's car parking standards for flats requires that a maximum of 1.5 spaces should be provided per flat. Plans indicate that 9 off-street parking spaces including a disabled space would be provided which is in compliance with Policies AM14 and AM15 of

the Hillingdon UDP Saved Policies (September 2007) and the Council's Car Parking Standards.

The proposal also indicates provision for cycle storage facilities for 7 cycles in accordance with the requirements as contained in the Council's Car Parking Standards. The Council's Highway Engineer raises no objection to this level of provision or to the gradient of the access ramp.

However, the access ramp is not wide enough to allow two vehicles to pass and there is not sufficient visibility of on-coming vehicles on the ramp. The Design and Access Statement suggests that to overcome this, shuttle signals would operate, the details of which could be controlled by condition. However, the Council's Highway Engineer considers that in order to operate safely, the signal at the top of the ramp would have to be placed to allow sufficient room for two vehicles to wait off the road without overhanging the highway. The proposed layout would not allow sufficient space for vehicles to pass and no waiting area is shown in the basement. In the absence of this information, the scheme is unsatisfactory.

The Highway Engineer also advises that the refuse store is not acceptable as it is sited more than 10m from the highway, the normal maximum allowable trundle distance. The basement siting would also involve residents moving bins along the ramp which would have health and safety implications. The application makes no reference to refuse being collected by a private company which may assist in overcoming this problem, but even if this were to be proposed, the basement would not allow sufficient space for a vehicle to turn around, particularly when all the spaces are occupied.

On this basis, the Highway Engineer objects to the proposal as it is detrimental to highway and pedestrian safety, contrary to Policy AM7 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

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

This is mainly dealt with in Sections 7.07 and 7.08 above. Furthermore, had the application not been recommended for refusal, a condition would have been added to ensure that it satisfied Secure by Design standards.

#### **7.12 Disabled access**

The Council's Access Officer advises that the scheme is not fully compliant with Lifetime homes standards and that amended plans are required. As the revisions relate to detailed matters, which could be controlled by condition, it is considered that a reason for refusal on this ground would not be justified.

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

This application does not trigger a requirement for the provision of affordable housing, as the net gain in units is below the 10 unit threshold.

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

The Council's Tree Officer advises that there are several protected trees on and close to the site, notably the Beech and Western Red Cedar at the front of the existing house. These contribute to the visual amenity and character of the locality and are landscape features of merit in terms of Saved Policy BE38.

There are also trees at the rear of the site and the Tree Officer advises that these trees will not be affected by the proposed development. However, it has not been possible to make a full and detailed assessment of the potential impact of the development on the trees at the front of the site. For instance, both trees at the front might be affected by the

excavations associated with the basement and access to it, and possible changes in levels. The access may also need amending to take into account the Highway Engineer's comments. The Tree Officer further advises that the Beech might be under threat due to its location in relation to the bedrooms (2 and 3) in the nearest front corner of the building and its shade effect on those rooms, and the inconvenience to future occupiers of those flats. The application does not include detailed method statements dealing with the construction works and related activity, levels, and tree protection, or include much information about the proposed levels in proximity to the trees, and it is not clear whether or not the finding in the daylight and sunlight report take account of the presence of the Beech tree (in the ADF analysis) especially as the tree stands in the middle of the view from bedroom 3.

The Tree Officer concludes that the revised proposal makes inadequate provision for the protection and long-term retention of the protected Beech and Cedar trees, the loss of which would be harmful to the visual amenity and character of the locality. The revised proposal is therefore unacceptable and contrary to Saved Policy BE38 of the Hillingdon UDP.

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

This has been dealt with above.

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

Had the scheme been acceptable in other respects, a condition requiring 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 would have been attached.

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

There are no specific flooding or drainage issues associated with this application. Had the scheme been acceptable in other respects, a condition could have been imposed requiring sustainable Urban Drainage (SUDS) measures.

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

Not applicable to this application.

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

The points raised by the petitioners have been dealt with in the main report. As regards the comments made by neighbouring properties, points (i) to (vi) and (x) have been dealt with in the main report. Point (vii) is not a material planning consideration. Point (viii) regarding flood risk could be dealt with by way of a condition if the application had of been recommended favourably. Points (ix), (xiii), (xiv), (xv), (xvi) and (xvii) are noted. As regards point (xi), the proposed residential use of the detached building would not be likely to generate additional noise so as to be harmful to the amenities of the surrounding area. As regards point (xii), any potential for additional pollution would be negligible compared with that generated by existing traffic on surrounding roads

#### **7.20 Planning Obligations**

Policy R17 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) is concerned with securing planning obligations to supplement the provision 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.

The Design and Access Statement states that this scheme would provide spacious accommodation for couples wanting to down size once any children have left the family

home. However, this would be difficult to control and the three and four bedroom units proposed would provide accommodation suitable for families. The scheme is therefore likely to accommodate children and generate demand in surrounding schools.

Education Services advise that this scheme generates a need of a total contribution towards additional education space of £34,727 is (£0 - Nursery, £3,831 - Primary, £10,411 - Secondary and £20,485 - Post-16). As the application is being recommended for refusal, no detailed negotiations have been entered into with the developer in respect of this contribution. As no legal agreement to address this issue has been offered, 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**

There are no enforcement issues associated with this site.

#### **7.22 Other Issues**

There are no other relevant planning issues associated with this proposal.

### **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**

This application follows on from two previous applications on this site for flatted re-development which have both been refused, the first of which was also dismissed at

appeal. Although not previously refused due to a further increase in the concentration of flats in the road, it is clear that Frithwood Avenue already breaches the 10% guidance figure. Furthermore, whilst some improvements have been made, the overall scale of the building is still inappropriate for the site and the building represents incongruous development constituting a cramped form of development on the site and results in excessive loss of garden land. Given the siting of a number of bedroom windows, immediately adjacent to the side wall of the building, the proposal would not afford adequate outlook to these windows and the access and refuse arrangements would prejudice highway and pedestrian safety. Also, the scheme fails to provide adequate tree information. Finally, as no S106 Agreement has been offered at this stage, the scheme fails to make appropriate provision for additional educational facilities.

Therefore, had an appeal for non-determination not of been lodged, the scheme would have been refused accordingly.

## **11. Reference Documents**

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 3 (Housing)

The London Plan (February 2008)

Mayor's Interim Housing Supplementary Planning Guidance, April 2010

Hillingdon Unitary Development Plan Saved Policies September 2007.

Hillingdon Design and Accessibility Statements: Residential Layouts & Accessible Hillingdon

Planning Obligations Supplementary Planning Document, July 2008

Consultation responses

**Contact Officer:** Richard Phillips

**Telephone No:** 01895 250230





Rev	Detail	By	Date
A	Minor Amendments	SC	07/07/06
B	Minor Amendments	SC	22/07/06
C	Minor Amendments	SC	11/08/06
D	Minor Amendments	SC	01/12/06
E	Minor Amendments	SC	01/12/06
F	Minor Amendments	SC	20/08/08
G	Minor Amendments	SC	02/10/08
H	Minor Amendments	SC	06/11/08
I	Minor Amendments	SC	06/11/08

**Amendments/Notes**

Rev	Detail	By	Date
A	Minor Amendments	SC	07/07/06
B	Minor Amendments	SC	22/07/06
C	Minor Amendments	SC	11/08/06
D	Minor Amendments	SC	01/12/06
E	Minor Amendments	SC	01/12/06
F	Minor Amendments	SC	20/08/08
G	Minor Amendments	SC	02/10/08
H	Minor Amendments	SC	06/11/08
I	Minor Amendments	SC	06/11/08

**LEGEND**

- PROPOSED WALLS
- LINE OF EXISTING TO BE DEMOLISHED
- OVERHEAD
- line of current application
- line of previous refused application

All dimensions and levels to be checked on site by contractor prior to preparation of shop drawings and commencement of work on site.

The Architect and may not be used or reproduced without consent. The Architect's drawings, specifications, conditions of contract and any variations are to be referred to the Architect before the affected works commence. The Architect is not liable in accordance with current CDM regulations and recommendations, current Building Regulations, British Standards and Codes of Practice as appropriate.

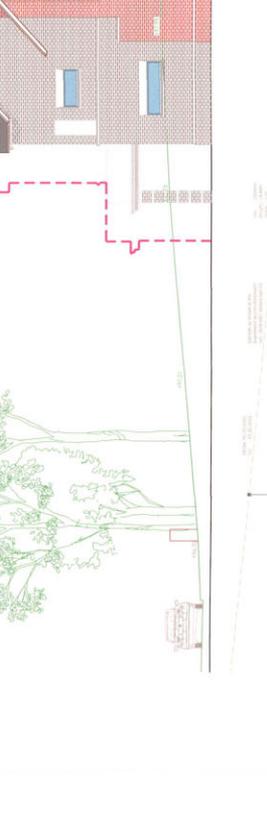
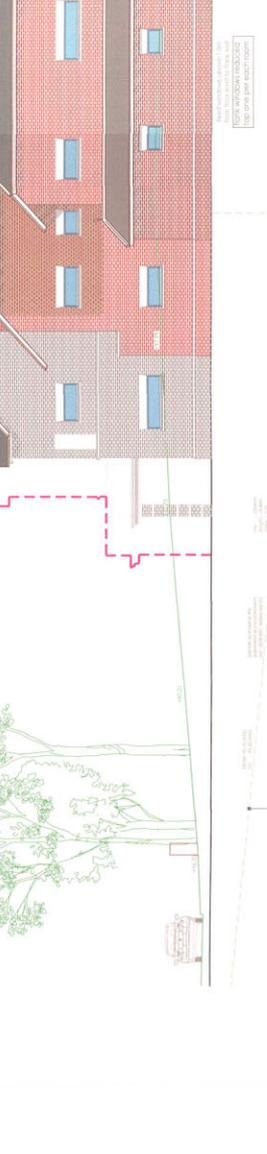
**Redevelopment Of**  
**41 Frithwood Avenue**  
 Northwood  
 Middlesex

**Proposed**  
**Roof Plan, Block Plan**  
**Side Elevation**

**SEABROOK ARCHITECTS**  
 CHARTERED ARCHITECTS

The Studio Barn, Bury Ferry Courtway, Pease Wood, Chesham,  
 Bucks HP14 4JG  
 Tel: 0494 417060  
 e-mail: info@seabrookarchitects.co.uk

Drawn By: : ETC/JSC Date: : 14/06/09  
 Checked By: : Date: :  
 Approved By: : Scale: : 1:100 @ A1  
 Drawing No. Rev.  
 4816/01/04 H



PROPOSED SIDE ELEVATION ( EAST )

PROPOSED ROOF PLAN

PROPOSED BLOCK PLAN

LINEAR SCALE 1:100

LINEAR SCALE 1:200



Rev.	Detail	By	Date
A	Minor Amendments	SC	07/07/09
B	Address: 41 Frithwood Avenue	SC	22/07/09
C	Amendments to Part Planning Committee	SC	09/12/09
D	Final planning revision	SC	09/03/10
E	Changes to right side layout	SC	17/04/10
F	Changes to right side layout	SC	26/05/10
G	Revised floor planning	SC	08/10/10
H	Final Amendments	SC	08/11/10

**LEGEND**

- PROPOSED WALLS
- LINE OF EXISTING TO BE DEMOLISHED
- OVERHEAD
- line of current application not approved by PAS
- line of extension/445
- revised application

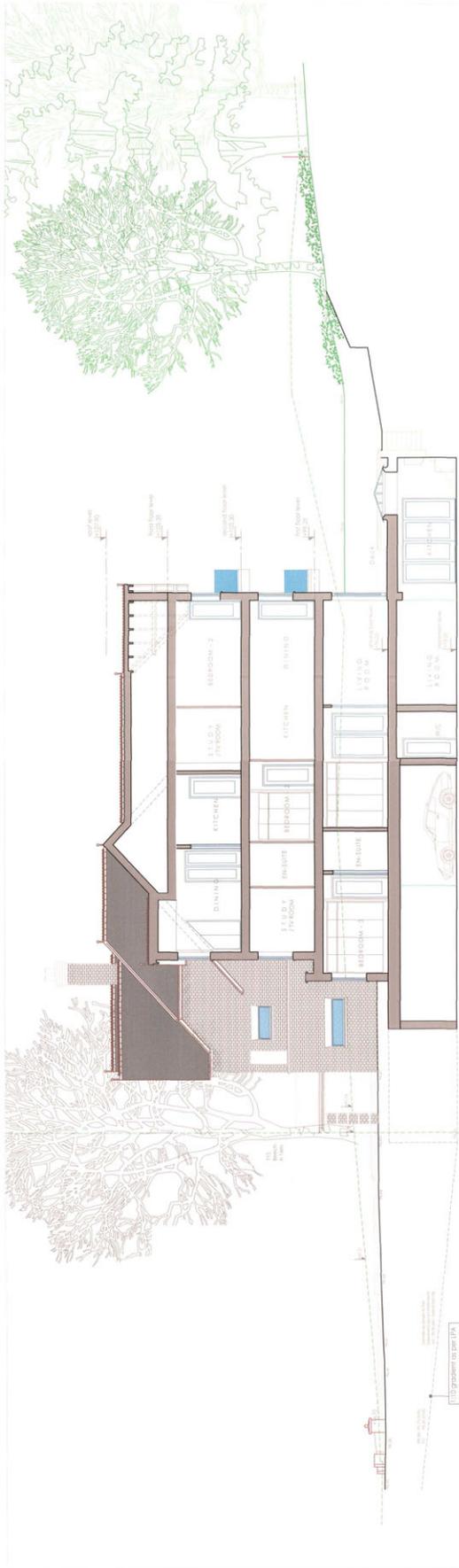
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**Project**  
 Redevelopment Of  
 41 Frithwood Avenue  
 Northwood  
 Middlesex

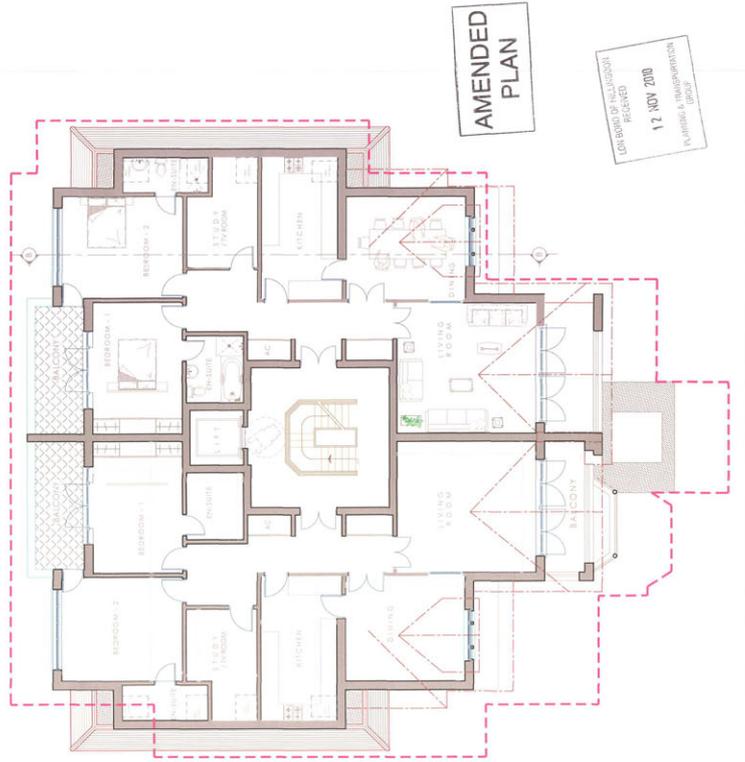
**Drawing**  
 Proposed  
 Floor Plans &  
 Section AA

**SEABROOK ARCHITECTS**  
 CHARTERED ARCHITECTS  
 The Studio Barn, Bury Farm, County Road, Chesham, Bucks HP8 2JF, UK. Tel: 0494 416474 Fax: 01494 770603  
 e-mail: s.a@seabrookarchitects.co.uk

Drawn By : STJ/SC Date : 16/06/09  
 Checked By : Date :  
 Approved By : Scale : 1:100 @ A1  
 Drawing No. Rev. 4416/FU/03 H



PROPOSED SECTION B

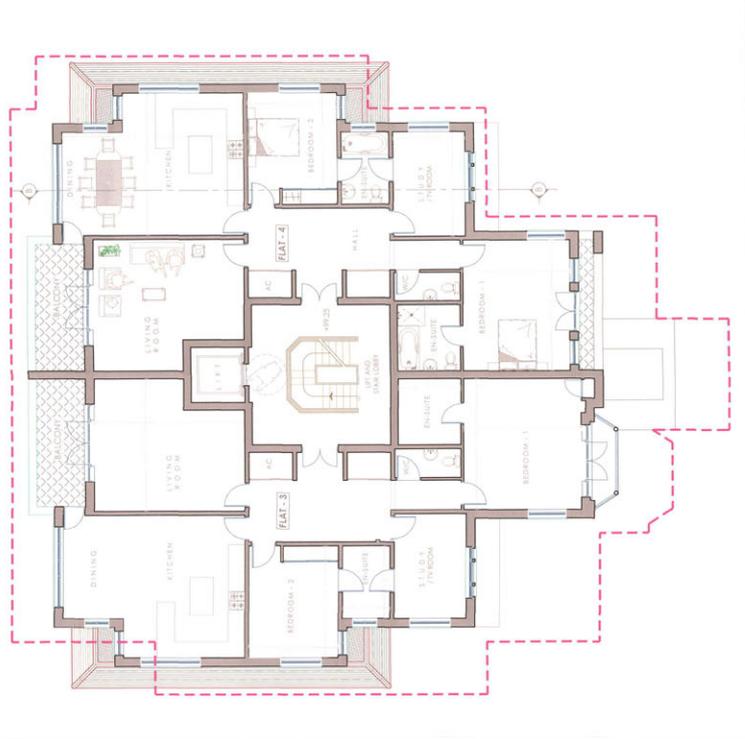


**AMENDED PLAN**

LOSS ROAD OF ILLUMINATION RECEIVED  
 12 NOV 2009  
 IN ARCHITECT & WAYSIDE/ARCHITECT GROUP



PROPOSED SECOND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

Rev	Detail	By	Date
A	Minor Amendments	SC	01.07.09
B	Minor Amendments	SC	22.07.09
C	Amendments to floor plan/section comments	SC	08.02.09
D	Draw plan/section revisions	SC	04.03.09
E	Changes to plot site work	SC	24.05.09
G	Revised for planning	SC	01.08.09
H	Planning amendments	SC	08.11.09

Amendments/Notes

Project  
 Redevelopment Of  
 41 Frittonwood Avenue  
 Northwood  
 Middlesex

Proposed  
 Elevations

SEABROOK  
 ARCHITECTS  
 CHARTERED ARCHITECTS  
 The Studio Room, Liberty Farm, Coopers Road, Chesham,  
 Bucks HP8 3JU Tel: 01494 776018 Fax: 01494 776020  
 e-mail: g.paw@seabrookarchitects.co.uk

Drawn By : JIC/JSC Date : 16.06.09  
 Checked By : Date :  
 Approved By : Scale : 1:100 @ A1  
 Drawing No. Revs  
 4616/PT/05 H

LEGEND  
 PROPOSED WALLS  
 LINE OF EXISTING TO BE DEMOLISHED  
 OVERHEAD  
 line of existing application ref: 09/1669/201/1465  
 line of previous refused application

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AMENDED PLAN  
 12 NOV 2010  
 PLANNING CONSULTANTS GROUP



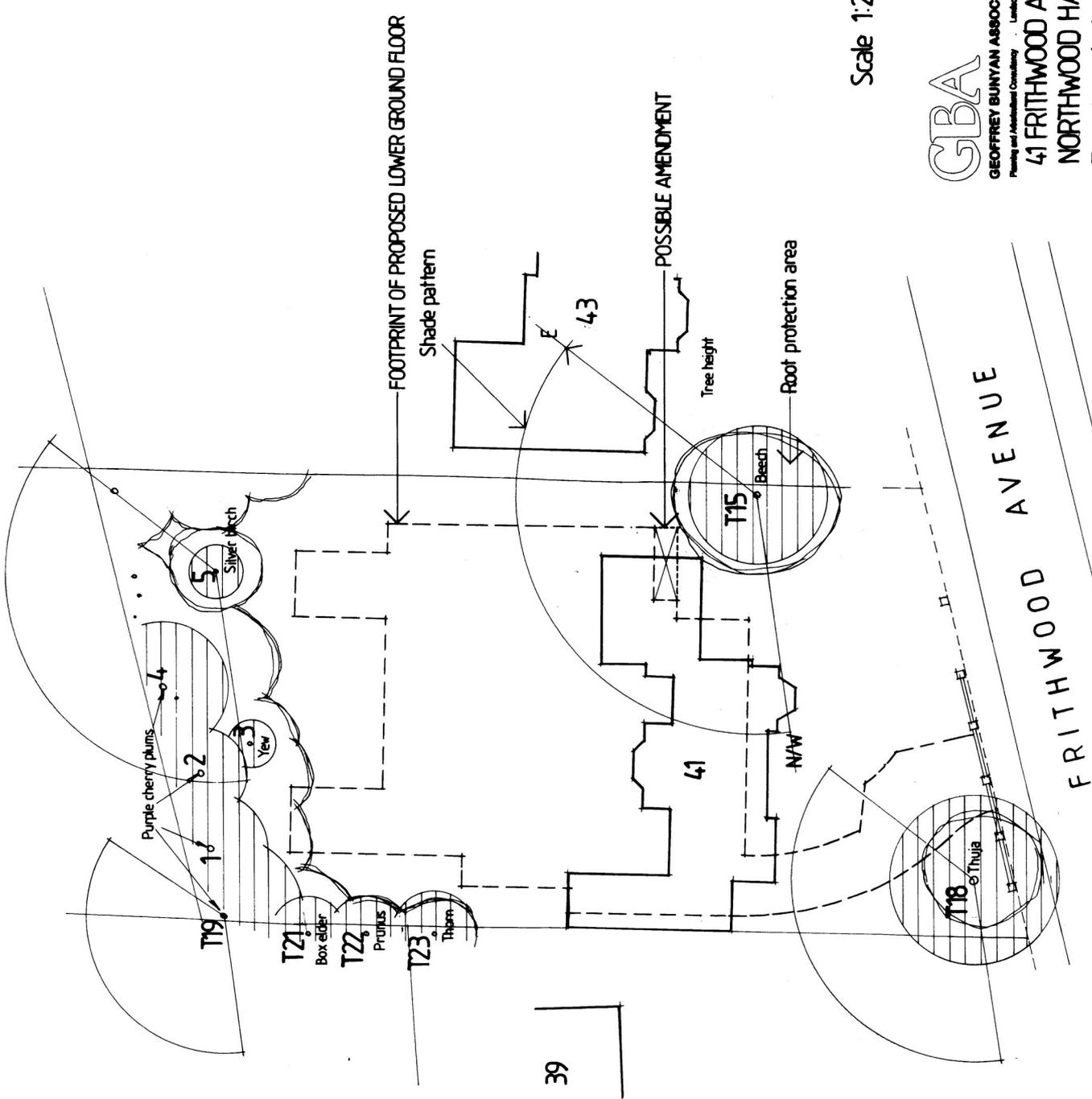
PROPOSED SIDE ELEVATION ( WEST )



PROPOSED REAR ELEVATION ( NORTH )



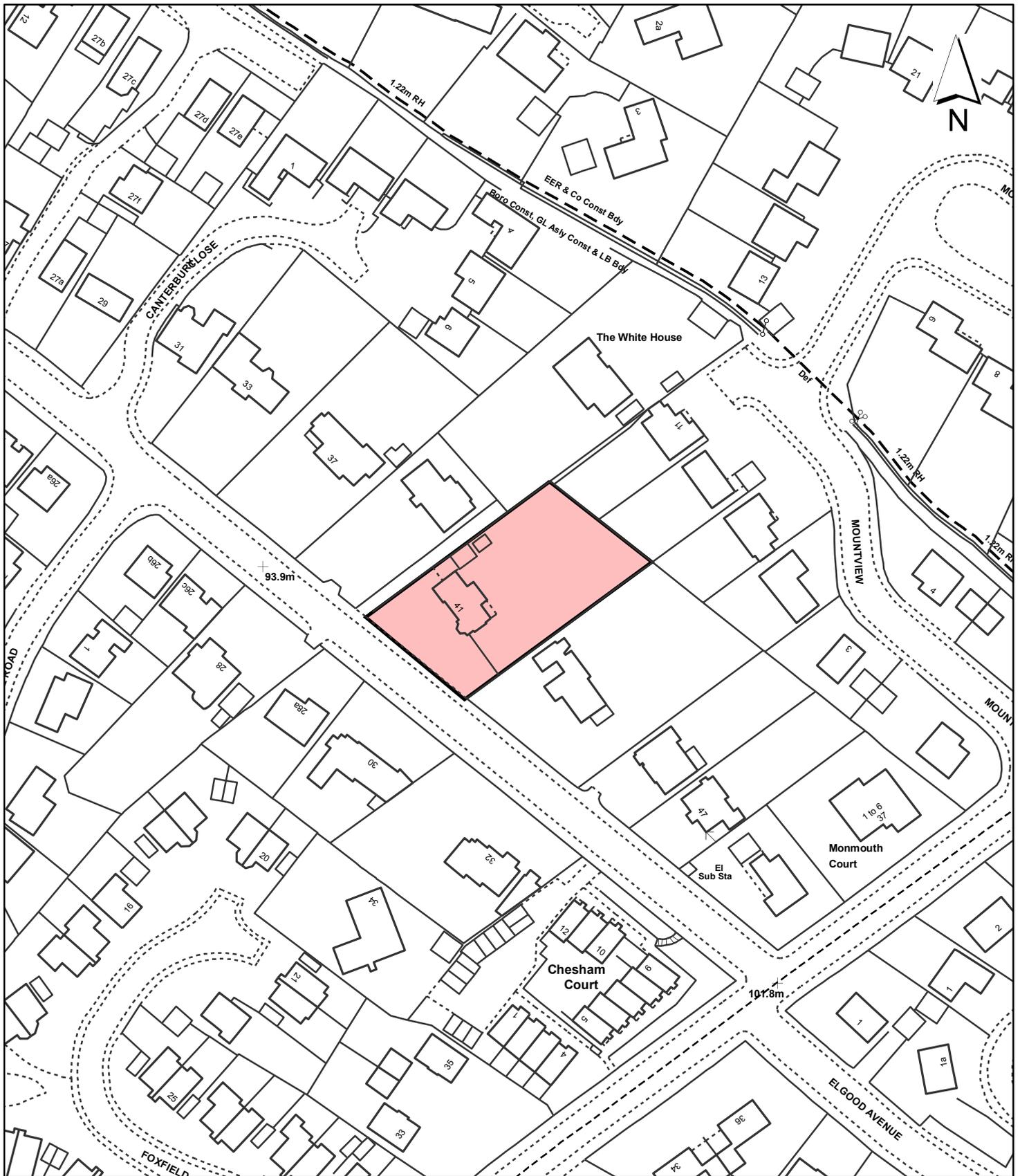
PROPOSED FRONT ELEVATION ( SOUTH )



31 Dingleton Road  
 Newton Longville  
 Milton Keynes  
 MK17 0BH  
 Fax: 01908 648882  
 Telephone: 01908 644500

**GBA**  
**GEOFFREY BUNYAN ASSOCIATES**  
 Planning and Architectural Consultancy · Landscape Design

**41 FRITHWOOD AVENUE**  
**NORTHWOOD HA6 3LY**  
**Tree Appraisal**



**Notes**

 Site boundary

For identification purposes only.

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Site Address	
<b>41 Frithwood Avenue Northwood</b>	
Planning Application Ref:	Scale
<b>1891/APP/2010/1465</b>	<b>1:1,250</b>
Planning Committee	Date
<b>North</b>	<b>December 2010</b>

**LONDON BOROUGH OF HILLINGDON**

**Planning, Environment & Community Services**

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



**HILLINGDON**  
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