

Report of the Head of Planning & Enforcement Services

Address 8 SUNNINGDALE AVENUE RUISLIP

Development: Two storey detached building with habitable roofspace comprising 8 two-bedroom flat with associated parking and amenity space, involving enlargement of existing vehicular crossover to front and demolition of existing two storey detached building for use as Class C2 (Residential Institutions.)

LBH Ref Nos: 19038/APP/2010/2638

Drawing Nos: Arboricultural Survey dated 13/04/2010
10/3215/10
10/3215/9
10/3215/6
10/3215/7
10/3215/8
10/3215/5
Location Plan to Scale 1:1250
Energy and Sustainability Statement November 2010
Design and Access Statement November 2010

Date Plans Received: 15/11/2010 **Date(s) of Amendment(s):**

Date Application Valid: 19/11/2010

1. SUMMARY

Members may recall an application (ref. 19038/APP/2010/770) for the re-development of this site, for flatted development, was presented to the North Planning Committee meeting on the 5th August 2010. As the application had been appealed for non-determination, Members agreed the reasons for refusal that would have been given had the appeal not of been lodged.

This application represents a re-submission of the flatted re-development scheme, which has now been revised following the Inspector's decision letter dated 21st October 2010, dismissing the previous appeal.

This application mainly differs from the previous application in that the building has been set further back on its plot, the depth of the building has been reduced, the crown roof has been replaced with a hipped roof and the area of hardstanding has been reduced and re-sited in the rear garden, with 3 spaces now being re-sited in the front garden.

Although this scheme is considered to have adequately overcome the Inspector's concerns regarding the crown roof not being appropriate in this location and the overshadowing of the rear amenity space, the alterations to the parking arrangements are not considered to have adequately overcome the Inspector's concerns regarding the previous scheme. Furthermore, although raised by the Council, the Inspector did not consider a prominent bin store proposed in the front garden and this still is considered to represent a conspicuous and incongruous structure. As such, the application is recommended for refusal as it fails to harmonise with the character of the surrounding area. The scheme, in the absence of a Unilateral Undertaking, is also not considered to make adequate provision towards education space.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal, by reason of the introduction of an extensive area of hardstanding to and use of the rear garden for car parking would be out of keeping with the pattern of surrounding residential development and results in an excessive loss of garden space, detrimental to the verdant character of the area. Furthermore, the provision of a large bin enclosure in the front garden, by reason of its size and siting, would appear as a visually intrusive and incongruous structure in the street scene. The development therefore fails to harmonise with the character of the surrounding area, contrary to Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3A.3, 4B.1 and 4B.8 of the London Plan, guidance within The London Plan Interim Housing Supplementary Planning Guidance, April 2010, Planning Policy Statement 3: Housing (as amended) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

2 NON2 Non Standard reason for refusal

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).

INFORMATIVES

1 152 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).

2 153 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)
LPG	The London Plan: Interim Housing Supplementary Planning Guidance, April 2010
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. Residential extensions/buildings of two or more storeys.

BE22	
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
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
H3	Loss and replacement of residential accommodation
H4	Mix of housing units
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
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.
SPD	Planning Obligations Supplementary Planning Document (July 2008)
HDAS	Residential Layouts Accessible Hillingdon

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a large detached two storey double fronted property with a two storey side extension on a substantial plot, located on the north-western side of Sunningdale Avenue, some 80m to the east of its junction with Field End Road and almost opposite its junction with Newnham Avenue. The site has a 21m wide frontage, more than twice the typical plot width in the road and is approximately 47.5m deep. The property was previously used as a care home, but is now vacant with the building falling into disrepair and in an unsafe condition, with hoarding having been erected around the site.

The site lies within an established residential area on the edge of the Eastcote Town Centre, the southern boundary of which lies within approximately 50m of the rear boundary of the site. Although the surrounding area is predominantly residential, there are three storey commercial buildings at the end of the road fronting Field End Road and Newnham Infant and Junior School is located some 50m to the south of the site. The site forms part of the 'developed area' as identified in the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

3.2 Proposed Scheme

This application is a re-submission of an earlier scheme (19038/APP/2010/770 refers) for the erection of a detached two storey block with habitable roof space containing 8 two-bedroom flats (Class C3) with associated car parking and landscaping works to replace the existing two storey residential care home (Class C2).

The previously proposed building maintained gaps of 1m to the side boundary adjoining No.8a and 3.3m adjoining No. 6 Sunningdale Avenue. The block had a large crown roof and was double fronted with gable roof bays on the outer edges of the front elevation that incorporated recessed terraces within the gable roof space and two dormers in between the bays within the main roof. A projecting central bay was also included under the main roof with the ground floor projecting further to project slightly beyond the outer bays and incorporated a simple storm porch. The building also included a large centrally sited bay on the rear elevation with two dormers on its roof and two dormers on the main roof at the rear. The scheme included 9 off-street car parking spaces which, with the exception of a disabled parking space in the front garden, would have been provided at the end of the rear garden, accessed by a side driveway adjoining the side boundary with No.6. A cycle store was also proposed in the rear garden and a bin store in the front garden, measuring 3.75m by 1m and 2.3m high, set back approximately 0.5m from the front boundary. The remainder of the rear garden would provide shared amenity space with small private patio areas provided for the ground floor units. Three two-bedroom flats would have been provided on the ground and first floors, with the roof area providing the remaining 2 two-bedroom flats.

The current scheme has been revised in an attempt to overcome the Inspector's concerns on the earlier application. The main changes are as follows:-

- * The set back of the main building from the back edge of the pavement has been increased from 8.5m to 9.1m and the depth of the projecting front wings has been reduced so that the two storey building would maintain a gap of 8.5m instead of 7m from the road.
- * The overall depth of the main building has been reduced from 11.95m to 11.3m and including the projecting front and rear wings from 15.9m to 15.3m,
- * The crown roof has been replaced with a traditional hipped roof, which increases the ridge height from 9.8m to 10.4m
- * The two projecting front wings have been reduced in width from 5.1m to 4.85m and sited more centrally with a ground floor flat roofed porch which projects 0.9m beyond the bays.
- * The area of hardstanding in the rear garden has been reduced and re-sited, and increased in the front garden so that a total of 4 parking spaces, including the disabled space are proposed here, served by two crossovers

A number of documents have been produced in support of the application, namely a Design and Access Statement, an Energy and Sustainability Statement and an Arboricultural Survey. Where necessary, these are discussed at the relevant sections of the report.

3.3 Relevant Planning History

Comment on Relevant Planning History

Application 19038/APP/2010/770 for a similar flatted re-development scheme had been appealed for non-determination. A report concerning this application was presented to the North Planning Committee meeting on the 5th August where Members agreed that had an appeal for non-determination not of been lodged, the application would have been refused for the following reasons:

1. The proposal, by reason of its excessive density and site coverage with buildings, including the bin storage building to the front and hard-standing, represents an over-development of the site, that would be out of keeping with the pattern of surrounding residential development and results in an excessive loss of garden space, detrimental to the verdant character and visual amenity of the area. The development therefore fails to

harmonise with the character of the surrounding area, contrary to Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3A.3, 4B.1 and 4B.8 of the London Plan, guidance within The London Plan Interim Housing Supplementary Planning Guidance, April 2010 and Planning Policy Statement 3: Housing (as amended) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

2. The proposed building, by reason of the incorporation of a large crown roof and the siting, size, scale, bulk and roof design of the large two storey projecting rear wing, would appear as a bulky, incongruous and awkward addition to the street scene and surrounding area, detrimental to its character and appearance. As such, the proposal is contrary to Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

3. The proposal, by reason of the extent and duration of overshadowing to the proposed amenity area, would fail to be sufficiently usable in order to afford an adequate standard of residential amenity to the occupiers of the proposed flats. The proposal is therefore contrary to Policy BE23 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

4. In the absence of consistent tree information, the Local Planning Authority has been unable to fully assess the impact of the development upon existing trees on and close to the site. The proposal therefore fails to accord with Policy BE38 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

5. The proposal would result in unsatisfactory parking, access and cycle storage arrangements, which would be likely to give rise to additional on-street parking and pedestrian and vehicle conflict, prejudicial to conditions of highway safety. The proposal is therefore contrary to Policies AM7 and AM9 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).

The non-determination appeal was dismissed on the 21st October 2010. A copy of the Inspector's decision letter is attached at Appendix 1.

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)
- LPG The London Plan: Interim Housing Supplementary Planning Guidance, April 2010
- 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
- OE8 Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
- H3 Loss and replacement of residential accommodation
- H4 Mix of housing units
- R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities
- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- 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.
- SPD Planning Obligations Supplementary Planning Document (July 2008)
- HDAS Residential Layouts
Accessible Hillingdon

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **24th December 2010**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

18 neighbouring properties have been consulted and a site notice has been displayed. Two responses have been received, 1 advising that they have no objection to the proposed development, but querying whether the current sewer is adequate for 8 flats as it had to be unblocked on a regular basis when site used as a care home. The one letter of objection makes the following points:-

- (i) The revised plans still show parking at the bottom of the rear garden for 7 cars. This will have negative impact on privacy for our garden area and engine noise and pollution which could occur night and day;
- (ii) Proposed new drive opens directly opposite a busy school entrance. Increasing traffic on this busy road can only endanger parents and children's lives;
- (iii) Flats are not characteristic in the road;
- (iv) Access to the rear can easily be gained via the new driveway, threatening security of neighbouring gardens;
- (v) As previous application was refused, this application should also be refused as been submitted with no consideration for the comments or recommendations made at previous North Planning Committee.

Ward Councillor has requested that this application be considered by committee.

Internal Consultees

Trees and Landscape Officer:

BACKGROUND: The site is currently occupied by a large detached house within an established garden which includes mature specimen trees, many of which are on the edge of, or beyond, the site boundary. Trees on and close to the site have been assessed in a Tree Report by Merewood. There are no Tree Preservation Orders on, or close to, the site, nor does it fall within a designated Conservation Area.

PROPOSAL: The proposal is an amended submission (previous ref. 2010/770) to demolish the existing two-storey detached building and build a new two-storey detached building for residential use. The amended scheme includes the provision of additional parking to the front of the building, and a reduced area of parking to the rear.

LANDSCAPE CONSIDERATIONS: Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

* Merewood's Tree Survey notes that a Cherry in the front garden (T1) is dead should be removed, as shown in the proposed layout plan. The survey also notes (6.2) that a Purple-leaved Plum (T2) in the front garden has a short life expectancy and could be removed and replaced. However, the proposed layout plan indicates its retention, which is unlikely to be feasible given the proximity of proposed hard surfacing within the likely root protection area (RPA) of the tree. For the purpose of this application, it should be assumed that T2 will have to be removed and replaced with new tree planting along the frontage.

* Comments in the Tree Survey, regarding the implications of the development on existing trees, have not been updated in the light of the amended layout. Specifically, the trees in the north-east

corner of the site (T11-T14) should no longer be affected by the previously proposed car park, which extended within potential root protection areas.

* With regard to the layout of the rear shared/communal gardens, the new parking arrangements will be less dominant and create additional amenity space, albeit resulting in the loss of front garden.

* Trees to be retained will require temporary protection during construction and specific trees (such as T10) will require 'no dig' construction method, all to be provided by a tree consultant.

* HDAS guidance 'Residential extensions', chapter 11.2 recommends that, where parking space is increased in front gardens at least 25% of front garden space is retained for soft landscaping. In this case, despite the loss of 'garden' space to parking and driveways, it would be possible to achieve a high quality landscape including, new tree planting, subject to the quality of the detailing, specification and implementation. The bin store is currently too prominent and visible from the street. This should be re-aligned (and screened) to face the building, if it cannot be sited to the rear or integrated within the building.

* DCLG/EA guidance requires new driveways to be designed and installed in accordance with SUDS principles.

* The effectiveness of the landscape proposals (in particular the shared/communal areas) will depend on a sound management and maintenance plan for the site.

RECOMMENDATIONS: I have no objection, subject to the above comments and conditions TL2, TL3, TL5, TL6, TL7 and TL21.

Highway Officer: The highway refusal on the previous application ref. 19038/APP/2010/770 for a similar scheme relate to access, highway safety and parking issues.

The current proposals show a revised parking layout proposing a total of 5 car parking spaces at the rear and 4 car parking spaces at the front of the site. The rear car parking is still substandard due to unsatisfactory/insufficient turning space for bays 1 and 2. The issues of excessive vehicular access width, pedestrian and vehicular safety and access road layout are the same as on the previous application. However, considering the planning inspector's comments on the appeal decision on the previous application not agreeing with the highways issues, a similar highway refusal of this application is unlikely to be upheld at a future planning appeal.

If the application is decided to be approved, the following conditions and informatives are recommended to be applied:

Conditions:

1. The use of the land for vehicle parking shall not be commenced until the area has been laid out, surfaced and drained in accordance with details first submitted to, and approved in writing by, the Local Planning Authority and shall be permanently maintained and available for the parking of vehicles at all times thereafter to the Authority's satisfaction.
2. The development hereby approved shall not be occupied until the means of vehicular access and amendments to on-street parking controls and bays have been constructed in accordance with the details first submitted to and approved in writing by the Local Planning Authority.
3. The access for the proposed car parking shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.
4. No part of the development hereby permitted shall be commenced until details of covered and secure cycle storage for 8 cycles have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the occupation of the development and thereafter permanently retained.

Informatives:

1. It is contrary to section 163 of the Highways Act 1980 for surface water from private land to drain onto the highway or discharge into the highway drainage system.
2. The applicant is advised to contact the Council's Highways Team in respect of the amendments to the vehicle crossover.

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 proposed development should comply with the Lifetime Home Standards and the following observations are provided:

1. The communal entrance door appears to be stepped and would be contrary to the above policy requirements if that were the case. Details of internal and external levels should be submitted to confirm that level or gently sloping access will be achieved.
2. In line with the council's above-mentioned SPD, at least one communal lift should be provided to serve the units above ground floor level.
3. All internal doorways, including the proposed wet room doors, must provide a minimum clear opening width of 750mm.

Recommendation: Revised plans should be requested and received prior to any grant of planning permission.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is located within the 'developed area' as identified in the saved Hillingdon Unitary Development Plan. In order for areas not to incur an over-concentration of flatted development, which may compromise the traditional residential character of the road, paragraph 3.3 of the Council's Supplementary Planning Document (SPD) HDAS: Residential Layouts advises that it is unlikely that proposals will be acceptable where more than 10% of the houses in a street have been converted or redeveloped to provide flats or other forms of housing. In this instance, all the other houses in the road provide single family accommodation and this site is already in a more intensive residential use as a care home. There is therefore no objection in principle to the development of flats on this site.

Although the proposed building would replace and not significantly extend beyond the rear elevation of the existing care home on site, a large part of the rear garden would be given over to car parking. Additional guidance on development in rear gardens and the interpretation of related policies has recently been published and is an important material consideration in assessing the principle of developments such as this.

Key changes in the policy context, since the adoption of the UDP Saved Policies, includes the adoption of The London Plan (consolidated with alterations since 2004), the Letter to Chief Planning Officers: Development on Garden Land dated 19/01/2010, The London Plan Interim Housing Supplementary Planning Guidance April 2010, and new Planning Policy Statement (PPS) 3: Housing adopted June 2010.

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

policies and take decisions on the most suitable locations for housing and they can, if appropriate, resist development on existing gardens". This guidance was published prior to submission of the application and should be given appropriate weight in the assessment of the application.

The London Plan Interim Housing Supplementary Planning Guidance (April 2010) was published following the national advice above and represents the Mayor of London's guidance on how applications for development on garden land should be treated within the London Region. The thrust of the guidance is that back gardens contribute to the objectives of a significant number of London Plan policies and these matters should be taken into account when considering the principle of such developments.

The guidance requires that "In implementing London Plan housing policies and especially Policy 3A.3, the Mayor will, and Boroughs and other partners are advised when considering development proposals which entail the loss of garden land, to take full account of the contribution of gardens to achievement of London Plan policies on:

- * local context and character including the historic and built environment;
 - * safe, secure and sustainable environments;
 - * 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."

(The various issues are discussed in more detail within the relevant sections of the report.)

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.

Therefore, revised Planning Policy Statement 3 and the London Plan Interim Housing supplementary Planning Guidance do not introduce additional policy considerations but rather provide greater clarity on the interpretation of existing policy guidance. Whilst there is in general no objection to the principle of an intensification/greater use being made of existing residential sites it is considered that the shifting policy emphasis requires all new proposals for development to be carefully scrutinised.

It is also noted that the Council's Development Plan Annual Monitoring Report 2008/2009 shows that the Council is achieving its housing targets from sites elsewhere in the borough.

7.02 Density of the proposed development

Policy 3A.3 of the London Plan (February 2008) advises that Boroughs should ensure that development proposals achieve the maximum intensity of use compatible with the local context, design principles and public transport accessibility. At Table 3A.2, the London Plan establishes a density matrix to establish a strategic framework for appropriate densities at different locations.

As part of the Council's previous consideration on the earlier application, the proposed open plan lounge/kitchen rooms, being over 20m², were counted as two rooms in terms of calculating density following HDAS design guidance, with the density matrix recommending a density for schemes with units having an indicative size of 4 habitable rooms in an area with a PTAL of 3 of 35-65 u/ha and 150-250 hr/ha. On this basis with 80 u/ha and 320 hr/ha, the scheme was considered to have an excessive density.

However, the Inspector, following arguments made by the appellants, considered that the lounge/kitchens would not easily be capable of sub-division, and each of the flats should be considered as having 3 habitable rooms. Applying this to the matrix, gives a recommended density of 50-95 u/ha and 150-250 hr/ha. The Inspector considered that the scheme complied with the London Plan's density guidance.

The internal layout of this scheme has been amended following the reduction in the depth of the building and the lounge/kitchens are generally smaller. Applying the Inspector's reasoning, the scheme has a density of 80 u/ha and 241 hr/ha which complies with the London Plan density matrix for schemes in this area with an indicative size of 3 habitable rooms.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

In terms of the impact upon the character and appearance of the area, this scheme differs from the previous application in that the building has been set further back on site, the depth of the building has been reduced, the crown roof has been replaced with a hipped roof, the design of the building has altered and the area of car parking in the rear garden has been reduced and re-sited with more hardstanding proposed in the front garden.

It was previously considered that although the building would occupy the majority of the width of the plot which is double the size of typical residential plot widths in the road, this aspect of the proposal was acceptable as the proposed building would maintain 1m and 3.3m gaps to the side boundaries and the proposed building would be of a comparable scale to the existing double fronted extended care home building on site that it would replace. Furthermore, although the building would project beyond the main two storey rear elevation of neighbouring residential properties, the main rear elevation would have a similar depth to the extended ground floors of neighbouring properties so that the increased depth on this large plot would not appear so out of keeping with the surrounding area. Also, projecting gable bays are characteristic within the road and no objections were raised to the double fronted gable roof bays proposed, including the recessed glazing and terraces proposed at roof level, which would be contained within the volume of the gables.

The proposed front and rear gables were also sufficiently small scale so as not to appear unduly dominant within the roof and given the prevalence of front gables, they would not appear out of keeping in the street scene. The fenestration on the building was also considered to harmonise with surrounding properties.

In terms of the current proposal, the proposed building would now be set back slightly further on its plot than adjoining properties, but as there is no uniform building line on this part of Sunningdale Avenue and the proposed building, like the care home building it would replace has a far greater bulk than its neighbours, no objections are raised to the larger set back which would assist in reducing the impact of the building in the street scene.

As regards the design of the proposed building, the Inspector in considering the crown roof of the previously proposed building stated that the roof form, although becoming more prevalent, did not form part of the character of Sunningdale Avenue. The proposal would appear bulkier than the existing care home and the building would look out of place, dominant and detrimental to the street scene.

The depth of the proposed building has now been reduced which allows for the inclusion of a traditional hipped roof. Although with a ridge height marginally higher than the previous proposal, this would not be any greater than the overall height of the existing care home.

The Council was also concerned about the large projecting wing, but the Inspector considered that this would not be seen from any public vantage point and would only be viewed against the bulk of the main building and in the Inspector's view would not be viewed as being unduly bulky, awkward or ill-conceived. This scheme reduces the size of the rear wing and it would now also have a traditional hipped roof. Other changes have been made to the elevations of the building, such as re-siting the projecting front bays more centrally, but these alterations are considered to be acceptable. It is considered that the proposed building has overcome the Inspector's concern regarding its bulky and uncharacteristic roof and now presents a satisfactory appearance in the street scene, in accordance with Policies BE13 and BE19 of the UDP.

The Inspector on the previous application considered that the proposed parking in the rear garden was unacceptable. At paragraph 13 of the decision letter, the Inspector noted that the character and appearance of the area is that of traditional two-storey dwellings facing onto Sunningdale Avenue with large verdant rear gardens. The Inspector noted that the proposal would introduce a significant amount of hard-standing into the rear garden which would fail to harmonise with the use and appearance of surrounding gardens. The Inspector acknowledged the existence of four flats in Woodlands Avenue that had garaging to the rear, but considered that they did not have a significant bearing on the appeal scheme as they were sited closer to the more intensively developed town centre and had significantly less visual impact than the appeal proposal. The Inspector also noted the drive at No.6 which runs the full length of the rear garden, but considered this to be relatively inconspicuous, overpowered by the house and the adjoining care home and screened by trees and vegetation in the rear garden.

At paragraph 14, the Inspector acknowledged in his decision letter that the parking area would not be particularly noticeable from Sunningdale Avenue and that one or two spaces may be glimpsed through the retained gap between the proposed building and side boundary. However, the Inspector did consider that 'the driveway and parking area will be highly visible when viewed from the adjoining gardens and its use will be noticeable for the

occupiers of adjoining and nearby properties in Woodlands Avenue and stated that 'such a large area of car parking will be out of character with the pattern of development in the area when seen by nearby occupiers and visitors to their homes and gardens.'

Further, the Inspector at paragraph 15 was not swayed by the argument that the proposal would allow the replacement of a large area of unattractive hardstanding at the front of the care home with attractive hard and soft landscaping and at paragraph 16 noted that although the trees to be lost do not add significantly to the visual quality of the area, the amount of soft landscaping that would be lost to the driveway and parking area would also be harmful. The Inspector also notes at paragraph 17 that the Council's HDAS SDP states that there may be car parking to the rear of buildings, but this can not be taken to mean every proposal to introduce such parking is acceptable.

The revised scheme still proposes parking in the rear garden, served by a side driveway, but reduces the number of spaces from 8 to 5 and re-sites the parking area more towards the western side of the site adjoining No.6. Although the extent of the hardstanding area would be reduced, it is considered that it would still take up a significant part of the rear garden and would not be any less visible. As such, it is considered that the introduction of such a parking arrangement would still fail to harmonise with the use and appearance of surrounding gardens. Furthermore, the Inspector on the previous scheme considered that a main concern was the impact of the driveway and parking areas from neighbouring properties and this proposal would bring the spaces closer to the adjoining properties to the west of the site. Furthermore, although the Inspector did not consider the replacement of the hardstanding at the front of the site with soft landscaping and hardstanding to outweigh the harm of the parking at the rear, the removal of the hardstanding would still have been beneficial, whereas this scheme proposes much more of the front garden area to be hard surfaced.

The only other outstanding concern regarding the impact of the scheme on the street scene concerns the proposed bin store. Refusal reason 1 of the previous application referred to the bin store and this scheme makes similar provision. The Inspector did not mention this aspect of the proposal and therefore neither confirmed nor denied its acceptability. The bin store would be 3.75m wide by 2.3m high, sited 0.5m back from the site's frontage. With such an exposed siting, the store would appear as a conspicuous and incongruous structure, out of keeping and detrimental to the visual amenities of the street scene.

As such, it is considered that the revised scheme does not fully overcome the Inspector's concerns on the earlier application and the development fails to harmonise with the character of the surrounding area, contrary to Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3A.3, 4B.1 and 4B.8 of the London Plan, guidance within The London Plan Interim Housing Supplementary Planning Guidance, April 2010 and Planning Policy Statement 3: Housing (as amended) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

7.08 Impact on neighbours

It was previously considered that the proposed building would not adversely affect the amenities of surrounding residential occupiers. Both adjoining properties do not contain any main habitable room windows in their side elevations facing the application site and have been extended at the rear so that the proposed building would not project significantly beyond the extended rear elevation of adjoining properties and the 45° line of sight from adjoining rear facing habitable room windows would not be breached. The

proposal has been amended so that the building is set back further on its plot, but given the reduction to the depth of the building, the proposal would maintain similar building lines at the rear. A sun on the ground diagram also demonstrated that only the side part of the rear garden of No.6 would be overshadowed in the early morning, but given that the existing building is sited immediately on the side boundary, this represents an improvement upon the existing situation. As regards No.8a, the proposal would result in additional overshadowing of the rear garden during the afternoon, but this is limited in extent and as the rear elevations of these properties have a north west facing aspect they are already in shadow for the most of the day, with the only additional overshadowing to No.8a occurring at the end of the day, from 4.00pm onwards. There have been no significant changes to alter this assessment.

In terms of the potential for overlooking, all the proposed side windows and rooflights are secondary and therefore could be conditioned to be obscure glazed and non-opening, if the application were being recommended differently. The properties at the rear of the site in Woodlands Avenue would be approximately 50m from the rear elevation of the proposal, greatly in excess of the Council's recommended 21m separation distance as being adequate to safeguard privacy and screened by mature trees. The Inspector on the previous application concurred that there would no adverse impact upon properties in Woodlands Avenue.

As such, it is considered that the current proposal, like the previous scheme, would not adversely affect neighbouring properties and would comply with Policies BE20, BE21 and BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.09 Living conditions for future occupiers

The Council's HDAS Residential Layouts advises that for new residential units to afford an adequate standard of residential accommodation, two-bedroom flats should have a minimum internal floor area of 63m². The two-bedroom flats on the ground and first floors would have floor areas of 63m² and the two flats in the roof space would have floor areas of 66m². Furthermore, it is considered that all the proposed habitable rooms would have an adequate outlook.

Guidance also stipulates that with flatted developments sharing amenity space, at least 25m² of amenity space should be provided per two-bedroom unit and the space should be usable. In this instance, approximately 261m² of shared amenity space would be provided within the rear garden. In addition to this, the ground floor units would have 7m² private patio areas and the flats within the roof space would have 4.5m² enclosed terrace areas at the front. The scheme would provide the overall quantum of space required to satisfy minimum standards.

On the previous scheme, it was considered that as the shared amenity space was sited immediately to the north of the building, a substantial area of this space would be in shadow for large parts of the day. As such, the space was not sufficiently usable to satisfy standards. The Inspector concurred on this point, noting that unlike their neighbours, the future occupiers of the building would not have the benefit of using the amenity space at the end of the garden if they so wished which would not be overshadowed to the same extent. This scheme has removed the car parking from this area so that the space would be available as amenity space to residents and it is considered that the revised scheme overcomes the previous concerns.

The 2m deep patio areas, surrounded by landscaping, would provide defensible space for the occupiers of the ground floor units, so that they would not be unacceptably overlooked

by other users of the shared amenity space. The only exception to this are the bedroom windows to Flat 2 which only have a thin landscaping strip in front of them, but this is a relatively minor point that could be dealt with by condition if the scheme had otherwise been found to be acceptable.

7.10 Traffic impact, car/cycle parking, pedestrian safety

As with the previous application, the current proposal would provide a total of 9 car parking spaces, including a disabled space, for the 8 two-bedroom flats. The Council's Highway Engineer did not previously raise objection to this level of parking provision, given the site's proximity to Eastcote Town Centre and its relatively good public transport accessibility, with a PTAL score of 3, but did raise objection to the proposed access arrangements, in particular the excessive width of the extended crossover required to serve the new driveway, the narrow width of the shared driveway and lack of manoeuvring and waiting space which would be prejudicial to highway and pedestrian safety. However, the Inspector, having considered these issues, did not share the Council's concerns.

The current scheme differs from the previous application in that the siting of the parking in the rear garden has been re-sited and three of the spaces have been moved to the front garden. Two of these spaces would be accessed from the side driveway, with the other space, together with the disabled space which was previously proposed in the front garden accessed from an existing crossover on the side boundary adjoining No. 8a Sunningdale Avenue.

The Council's Highway Engineer advises that the rear parking is still substandard due to unsatisfactory/insufficient turning space for bays 1 and 2 and the previous concerns relating to excessive crossover width, pedestrian and vehicular safety and the access road layout remain the same, but given the Inspector's previous comments, a similar highway refusal is unlikely to be upheld at appeal. The Highway Officer concludes that if the application were to be approved, a number of conditions would be required.

7.11 Urban design, access and security

On the previous application, the Council's Crime Prevention Officer advised that subject to suitable gates across the proposed driveway, the proposal would not present any additional potential for crime and anti-social behaviour. Revised details of the provision to be made for bin storage in the front garden would also need to be sought to ensure that natural surveillance of the front door to the new flats was not obstructed. The Inspector on the previous application concurred that the proposal would not threaten the security of adjoining properties.

7.12 Disabled access

On the previous application, Members were advised that although the Access Officer advised that a lift would be needed to comply with the latest HDAS, this could not be justified on a scheme with less than 10 units.

As regards the Access Officer's detailed comments regarding compliance with Lifetime Homes standards, this could be dealt with by way of a condition, had the application not been recommended for refusal. There has been no change in circumstance to suggest that such an assessment is no longer valid.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

The Council's Tree and Landscape Officer objected to the previous application as the tree information submitted was inconsistent but this was corrected as part of the appeal process. As regards the current scheme, the officer notes that there are no protected

trees on site and that the scheme makes adequate provision for the retention and utilisation of existing trees and new planting. In particular, the Tree Officer considers that even with the new parking proposed in the front garden, a high quality landscaping scheme, including new tree planting to replace the trees likely to be lost would be feasible. Such a scheme would be an improvement on the extensive area of tarmac which currently comprises the front garden. As such, the scheme is considered to comply with Policy BE38 of the saved UDP, subject to appropriate conditions.

7.15 Sustainable waste management

The proposal makes provision for refuse/recycling storage. However, an objection is raised to the siting of the bin store on visual amenity grounds.

7.16 Renewable energy / Sustainability

The proposal does ensure that all the habitable rooms would be well served by natural daylight. The Energy and Sustainability Statement states that where possible, internal bathrooms and landings will be lit by 'sun-tubes'. The statement says that either solar panels or photo-voltaic cells will be used to ensure that the development satisfies Level 3 of the Code for Sustainable Homes. An appropriate renewable energy scheme to accord with the London Plan would have been conditioned if the application had not been recommended for refusal.

7.17 Flooding or Drainage Issues

This application does not fall within a flood risk area and a sustainable urban drainage system would have been sought by condition, had the application been recommended favourably.

7.18 Noise or Air Quality Issues

This application for residential development within a residential area does not raise any specific noise or air quality issues. The Inspector in considering the previous application at paragraph 60 states 'Given the likely level of use of the car parking area I do not consider that the noise, activity, headlights or fumes emanating from this area would cause any unacceptable harm to the living conditions of adjoining occupiers.'

7.19 Comments on Public Consultations

As regards the comment received in support, the query raised as regards the adequacy of the sewer is not a planning matter.

In terms of the points raised by the objector, points (i) to (iv) have been dealt with in the main report and point (v) is noted.

7.20 Planning Obligations

Policy R17 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) is concerned with securing planning obligations to offset the additional demand on recreational open space, facilities supporting arts, cultural and entertainment activities, and other community, social and education facilities through planning obligations in conjunction with other development proposals. These UDP policies are supported by more specific supplementary planning guidance.

Education Services previously advised that earlier scheme generated a need of a total contribution towards additional education space of £18,061 (Primary - £7,217, Secondary - £7,029 and £3,815 - Post 16). The Inspector in considering the previous appeal advised that for reasons previously given, the scheme should be considered on the basis of the units providing 3 habitable rooms and as one of the two Unilateral Undertakings submitted dealt with the need for an education contribution, the scheme made adequate provision.

No Unilateral Undertaking has been submitted as part of the current application and on

this basis, 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 at this site.

7.22 Other Issues

No other issues are raised by this application.

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

10. CONCLUSION

Although this scheme represents an improvement upon the previous application (19038/APP/2010/770) which was dismissed at appeal, it is considered that re-siting and reducing the amount of car parking in the rear garden does not fully overcome the concerns raised by the Inspector in dismissing the previous appeal. The Council also raised objection to the large bin store in a prominent position in the front garden to which reference was not made in the Inspector's decision letter. As such, the application is recommended for refusal as it fails to harmonise with the character of the surrounding area. The scheme, in the absence of a Unilateral Undertaking, is also not considered to make adequate provision towards education space.

11. Reference Documents

PPS1: Delivering Sustainable Development
PPS3: Housing (as amended)
London Plan (February 2008)
Hillingdon Unitary Development Plan Saved Policies (September 2007)
Mayor's Interim Housing Supplementary Planning Guidance, April 2010
HDAS: Residential Layouts
HDAS: Accessible Hillingdon
Council's Planning Obligations Supplementary Planning Document
Consultation responses

Contact Officer: Richard Phillips

Telephone No: 01895 250230



Appeal Decision

Site visit made on 28 September 2010

by **Tim Belcher** FCII, LLB (Hons), Solicitor
(Non-Practising)

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
21 October 2010

Appeal Ref: APP/R5510/A/10/2131428 8 Sunningdale Avenue, Ruislip, HA4 9SR

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by W E Black Limited against the Council of the London Borough of Hillingdon.
- The application (Ref 19038/APP/2010/770) is dated 6 April 2010.
- The development proposed is the demolition of the existing building and the erection of a two and a half storey block of eight flats with associated parking and landscaping. Change of use from C2 to residential.

Procedural and Background Matters

1. The Council would have refused the application had it not been appealed. The reasons for refusal are set out in the Planning Committee Report dated 5 August 2010.
2. I understand that the existing building on the site was last used (for at least 35 years) as a care home. The care home provided six bedrooms for residents and an on-site flat for a resident housekeeper. The existing building is the largest building in the residential part of the street and it also occupies the largest plot. The building is currently vacant, has fallen into disrepair and is in an unsafe condition.
3. The site is within an established residential area but is close to Eastcote Town Centre. There are large three storey commercial buildings close to the site at the corner of Field End Road and Sunningdale Avenue. Further, there are modern three storey blocks of flats on the west side of Field End Road. Newnham Infant and Junior School is within a short walking distance of the site.

Decision

4. I dismiss the appeal and refuse planning permission for the demolition of the existing building, the erection of a two and a half storey block of eight flats with associated parking, landscaping and the change of use from C2 to residential.

Policy

5. The development plan for the area includes the London Plan and saved Policies of the London Borough of Hillingdon Unitary Development Plan (the UDP). I have also been referred to the following documents:

- a) Hillingdon Design and Accessibility Statement Supplementary Planning Document – “Residential Layouts” (HDAS-SPD),
- b) Planning Obligations Supplementary Planning Document (the Planning Obligations SPD),
- c) The London Plan: Interim Housing Supplementary Planning Guidance,
- d) Planning Policy Statement 1 “Delivering Sustainable Development”,
- e) Planning Policy Statement 3 “Housing” (PPS 3), and
- f) Planning Policy Guidance Note 13: “Transport”.

Reasons

Is the proposed density of the development appropriate for the area?

6. Policy 3A3 of the London Plan explains that Boroughs should ensure that development achieves the maximum intensity of use that is compatible with the local context. Boroughs should adopt the residential density ranges set out in Table 3A2.
7. The Council have, by using Table 3A2 and assuming that each of the flats has four rooms, calculated that the appropriate density for this development in this particular area should be between 35 and 65 units per hectare and between 150 and 250 habitable rooms per hectare. The proposal equates to a density of 80 units per hectare and 320 habitable rooms per hectare. The Council therefore consider the proposal exceeds the policy advice on density in the London Plan.
8. However, the flats only have three habitable rooms i.e. two bedrooms and open plan kitchen/lounges. The combined floor area of the kitchen/lounges exceeds 20 square metres. The amount by which the flats exceed 20 square metres is 2.3 square metres for two flats and seven square metres for the six other flats.
9. The HDAS-SPD provides advice relating to density. It explains that habitable rooms include all rooms normally used for living or sleeping in and kitchens having a floor area over 13 square metres. Habitable rooms over 20 square metres will be counted as two rooms.
10. The appellants have explained that it would be unrealistic to subdivide the kitchen/lounges so as to provide a kitchen having a floor area over 13 square metres and leave a reasonably sized lounge. The Council have not challenged that view or provided any evidence as to how such a sub-division could realistically be achieved. In these circumstances I consider that it is unreasonable to rigidly apply the advice in the HDAS-SPD. In my view the flats should be counted as each having three rooms.
11. Applying the density matrix at Table 3A2 for three habitable room units the appropriate density range would increase to a band of between 50 and 95 units per hectare. Thus, the appellants claim that if the proposal was assessed as flats with three qualifying rooms the resulting density would be 80 units per hectare and 240 habitable rooms per hectare. The Council have not challenged these figures. The proposal clearly falls within the appropriate London Plan

density matrix. I therefore conclude that the density of the proposed development is acceptable and there is no conflict, as regards this issue, with the relevant parts of the development plan.

Would the proposed driveway and car parking area be detrimental to character and appearance of the area?

12. UDP Policies BE13 & BE19 explain that development will not be permitted if the layout fails to harmonise other features of the area which the Council considers it desirable to retain or enhance. Further, the Council will seek to ensure that new development within residential areas complements or improves the area's amenity and character. The thrust of these policies broadly reflects London Plan Policy 4B8.
13. The character and appearance of the area is that of traditional two-storey dwellings facing onto Sunningdale Avenue and large rear verdant gardens. The Council clearly wishes to see that the garden land at the rear of these dwellings, including the appeal site, is retained or enhanced. The proposal would introduce a significant amount of hard-standing to accommodate the driveway, car parking area and manoeuvring space within the rear garden of the site. Such development would fail to harmonise in terms of use and appearance with the surrounding gardens. I am aware of the four flats in Woodlands Avenue which have garaging to the rear but that site is very close to the designated Town Centre and has significantly less visual impact than what is proposed at the appeal site. I am also aware that there is a narrow concrete driveway adjacent at No. 6 which extends into the rear garden of that property. However, it is relatively inconspicuous being overpowered by the existing care home which abuts it on one side and the side elevation of No. 6 on the other. Further, the trees and other vegetation to the rear of that site limit the visual impact of the driveway itself.
14. I accept that the parking area will not be particularly noticeable from Sunningdale Avenue. One or two spaces may be glimpsed in the gap between the boundary with No. 6 and the proposed building. However, the driveway and parking area will be highly visible when viewed from the adjoining gardens and its use will be noticeable for the occupiers of adjoining and nearby properties in Woodlands Avenue. I am of the view that such a large area of car parking will be out of character with the pattern of development in the area when seen by nearby occupiers and visitors to their homes and gardens.
15. I am aware that the extensive and unattractive area of hard-standing currently in front of the existing care home will be removed and attractive hard and soft landscaping would replace it. However, I do not consider that benefit outweighs the harm caused by the removal of garden land at the rear of the site and the detrimental impact that will have. Accordingly, this element of the proposal would be contrary to the relevant parts of the UDP and the London Plan.
16. I know from the arboricultural survey that the trees that would be removed do not significantly add to the visual quality of the area. Nonetheless the amount of soft landscaping what would be removed to provide the driveway and car parking area etc. is significant and would, in my opinion, diminish the environmental quality of the area. I do not consider that the landscaping of

the remainder of the site to provide the outdoor amenity area would offset this harm.

17. I am aware that paragraph 4.38 of the HDAS-SPD envisages that there may be car parking provided at the rear of buildings but this does not mean that every proposal to introduce such parking is acceptable. I have explained above why I do not consider that it is unacceptable in this case.

Would the proposed design of the building be detrimental to the character or appearance of the area?

18. UDP Policies BE13 & BE19 explain that development will not be permitted if the appearance fails to harmonise with the existing street scene. Further, the Council will seek to ensure that new development within residential areas complements or improves the amenity and character of the area.
19. I note that the Council are, amongst other things, concerned about the rear projecting wing of the proposed building (the wing). In my judgement the wing would not be seen from the Sunningdale Avenue or any other public vantage point. It would be seen from the rear gardens of Nos. 6 and 8a and the upper part of the wing may be glimpsed between the screening running along the common boundaries with Nos. 163 & 165 Woodlands Avenue. There may also be other longer distance views of the wing. However, the wing would be seen wholly within the envelope of the larger part of the building and in my view it would not be judged as unduly bulky, awkward or ill conceived from any of the adjoining gardens or any longer distance views.
20. The domestic houses in the surrounding area comprise large two-storey dwelling-houses with pitched roof styles. I am aware that the height of the roof of the proposed building and its width below and at eaves level would be marginally less than the existing care home. The proposed width of the building at ridge level (facing the street) would exceed that of the existing building and the depth of the building (from Sunningdale Avenue towards the rear garden) at eaves height would be substantially greater than the existing care home. The side roof slope of the existing care home tapers to the ridge.
21. So as to be able to accommodate the size of the proposed building the roof has been designed with a crown roof. I am aware that such a design feature is becoming more common and can be found on domestic dwellings but they are not prevalent in Sunningdale Avenue and I was not referred to any other building in the surrounding area where this design technique had been employed. The crown roof is clearly uncharacteristic of the surrounding residential properties. In my view the resulting building will look significantly bulkier than the existing care home or other nearby dwellings. The design of the roof would make the building as a whole look out of place in the street scene despite the fact that it would occupy a double plot. It would be seen as dominant and detrimental to the appearance of the street scene and the area in general. Accordingly, the proposal fails to accord with the relevant parts of the UDP.
22. I am aware that by using a crown roof the appellants are able to hide from public view solar panels and sun-tubes. However, I do not consider that benefit outweighs the harm to the character and appearance of Sunningdale Avenue.

Would the proposed amenity space be sufficiently usable?

23. UDP Policy BE23 explains that new residential buildings should provide external amenity space which is usable in terms of its siting. Paragraph 4.9 of HDAS-SPD explains that all amenity space should receive adequate daylight and sunlight. I have also had regard to the HDAS-SPD advice at paragraphs 4.17 to 4.22.
24. The Council accept that the proposal would meet the Council's minimum standards in terms of the amount of amenity space but are concerned that the space will be in shadow for long periods of the day and thus would not be sufficiently usable.
25. I have been referred to Inspector Hitchings Decision Letter relating to 200 & 202 Church Road, Northolt. He was satisfied in respect of the proposal before him that at those times of the year when the sun was low in the sky the amenity space would be heavily shaded for most of the time but this was not unusual for amenity areas of residential development. Further, he explained, *"In the remainder of the year, when residents would expect to be able to enjoy the outdoors, most of this amenity area would receive adequate sunshine, particularly in the important late afternoon and early evening period, when the sunshine from the southwest and west would be available behind the frontage buildings. To my mind, this amenity area would receive adequate sunshine."*
26. The proposed amenity space would be immediately to the rear and north-west of the building. Like all the properties along this side of Sunningdale Avenue parts of the rear gardens are going to be in shade by virtue of the shadow cast by the dwelling-house in front of it. However, the difference in this case is that the other gardens are longer than that proposed here and those parts of the garden will allow the occupiers of those dwellings to use the sunnier area within their gardens (if they so wish). The development has been laid out in such a way that the sunniest part of the site would not be available as amenity space because it would be occupied by car parking, manoeuvring space, the cycle store and the land around that store. Accordingly, I do not consider that the shared amenity space has been orientated to make full use of the available sunshine.
27. Further, unlike in Inspector Hitchings case it has not been demonstrated that the proposed amenity space would receive adequate sunshine at those times of the year and the hours of the day when residents would want to be outside using the amenity area.
28. I therefore conclude that the proposal would not provide a sufficiently usable amount of amenity space. Accordingly, the proposal would be contrary to the relevant parts of the UDP and the HDAS-SPD.

Would the proposal have an unacceptable impact on trees?

29. The Council were concerned that there had been a lack of consistent information relating to trees when the application was submitted and therefore they remained concerned about the impact of the proposal on the trees on, or close to, the site.

30. The appellants submitted a revised plan which sought to overcome the Council's concerns regarding this matter. The revised plan was considered by the Council's Landscape Officer and the Council agreed to the late submission of this plan. The Council have not raised any concerns about the loss of trees since receiving the revised plan.
31. The appellants explained by reference to Simon Hawkins' arboricultural survey dated 13 April 2010 and the amended plan that the proposal would involve the loss of several poor quality trees but overall there would be an opportunity to provide new appropriate planting which will augment the local visual amenity. There is no evidence from the Council that this assessment is incorrect.
32. I therefore conclude that the proposal would not have an unacceptable impact on trees. Accordingly, the proposal would accord with UDP Policy BE38.

Highway safety issues

33. UDP Policies AM7 and AM9 explain that the Council will not grant planning permission for development where the traffic generation is likely to prejudice the free flow of traffic or highway/pedestrian safety. Further, the Council will require development proposals to include bicycle parking.
34. Nine car parking spaces would be provided to serve the development. The Council have no objection to this level of car parking.
35. The only evidence that I have regarding the level of traffic likely to have been generated by the previous use and the use proposed was supplied by the appellants with their Statement of Case i.e. the Rowland Bilsland Traffic Planning report dated 18 August 2010 (the Rowland Report).
36. The Council are concerned that the existing vehicle crossover which serves the site and the adjoining dwelling (No. 6) would be extended to 9.9m in width of which 5.2m would serve the proposed development. They consider that this would be an undesirably wide vehicle crossover which would result in conflict between vehicles and pedestrians. The appellants have pointed out that as a result of the proposal part of a second vehicle crossover (10m wide) which also serves the site (and is shared with No 8a) would be reduced in width.
37. I am informed that the footway near the site is intensively used by schoolchildren and their carers at the beginning and end of the school day. I am aware, in general terms, of what traffic conditions are like during those periods. However, during the morning peak period (08:00 to 09:00) which would include school arrival times the Rowland Report explains that there would only be one vehicle using the vehicle crossover (to exit from the site). That vehicle would be travelling slowly in forward gear as the driver would have to stop at the junction of the driveway and Sunningdale Avenue.
38. I have no specific information as to whether there would be any vehicular movements through the vehicle crossover during the period when children are either being collected from the nearby school or are going home by themselves but the number would be no greater than during the morning peak level.
39. The daily total number of vehicles crossing over the vehicle crossover would only be eight and this is less than if the care home use was in operation when the total would be thirteen movements per day. I know that the vehicular

- movements associated with the care home use would be spread between two vehicle crossovers but do not consider that it affects my judgement about this matter.
40. I therefore do not consider that any unacceptable danger to pedestrians using Sunningdale Avenue would arise from increasing the width of the vehicle crossover.
 41. The Council are also concerned that two cars would not be able to pass each other along part of the driveway between the common boundary of No. 6 and the flank wall of the proposed building. As a result the Council are concerned that vehicles would have to wait on Sunningdale Avenue or reverse out of the site onto Sunningdale Avenue.
 42. However, the chances of that happening seem remote given that the evidence in the Rowland Report indicates a total of eight movements per day. Even if it did occur there would be good inter-visibility for the drivers along the driveway and there would be room for two cars to pass in that part of the driveway in front of the building or where the driveway widens out adjacent to the amenity space. Accordingly, I do not share the Council's concern that the layout of the driveway would result in a reduction in highway safety.
 43. The Council are concerned about the layout of car parking spaces numbered 8 & 9 on the layout plan. The appellants are of the view that the layout is not uncommon and that there is sufficient free space to the rear to be able to turn. The Council are of the view that turning would not be straightforward and that it would take several back and forth movements within the free space to turn around. Whilst I agree with the Council that the layout is not perfect I do not consider that it is so substandard that the spaces would not be used especially as on-street parking is controlled by way of yellow lines and residents' permits.
 44. Part of the driveway is only 3m wide. The Council have pointed out that there is no footway available for people walking between the car parking area/amenity space and the entrance to the building. However, the driveway is clearly wide enough for a car to safely pass pedestrians and having regard to the predicted low number of vehicle movements each day and the low speed at which vehicles will be travelling I do not consider that the proposal would result in any significant danger to pedestrians using the driveway.
 45. The Council are concerned about visibility for drivers emerging from the site being able to see pedestrians approaching the vehicle crossover because of a 1.2m high fence along the common boundary with No. 6. However, drivers would be on the opposite side of the driveway to the fence by the time they reach the junction with the footway and I am in no doubt that the access could be laid out to ensure that drivers are in a position whereby they can see nearby pedestrians using the footway.
 46. I am also satisfied that adequate arrangements to amend the on-street parking controls and parking bay could be arrived at prior to the development being commenced.
 47. I therefore conclude, for the reasons explained above, that the proposal would not be prejudicial to highway safety. Accordingly, there is no conflict with relevant parts of the UDP.

Has reasonable provision been made for the payment of monies in connection with education provision within the Borough?

48. The Council are of the view that the proposed development could accommodate families and that children would bring about a need for additional provision to be made within the education system. I understand that there is a shortfall of existing places and the proposal would exacerbate that problem.
49. UDP Policy R17 explains that the Council will, where appropriate, seek to supplement the provision of education facilities through planning obligations in conjunction with other development proposals.
50. The Planning Obligations SPD explains that the Council will, where appropriate, seek to secure contributions from all new residential development apart from non-family units. The threshold at which the Council may seek contributions for extra school facilities will be any qualifying residential development resulting in a total net increase of 6 or more rooms for units which contain three or more rooms. In addition, the Council may, at its discretion, consider rooms in excess of 20 square metres as potentially two separate rooms for the purpose of this assessment.
51. The Council have not produced any evidence to me explain why they require a sum of £18,061 to be paid by the developer to the Council in respect of this matter. I understand that the appellants and the Council have been in dialogue and that the appellants have no objection to making a financial contribution. The dispute between the Council and the appellants relates as to whether the dwellings have three or four rooms. Accordingly, the appellants have entered into two Planning Obligations, one on the basis that the flats should be assessed as three rooms and one on the basis that flats should be assessed as four rooms.
52. As explained earlier the flats would have three rooms but the kitchen/lounge in all the flats exceeds 20 square metres. The Planning Obligations SPD explains that the Council have discretion to consider rooms in excess of 20 square metres as potentially two separate rooms for the purpose of the assessment. The Council have not explained why, in this case, they have exercised their discretion to count the kitchen/lounge as two rooms.
53. In the absence of any explanation from the Council about this matter I consider that if I were to grant planning permission I would require the Planning Obligation based on the three room assessment to be the relevant Planning Obligation.
54. I therefore conclude that reasonable provision has been made for the payment of monies in connection with education provision within the Borough. Accordingly, the proposal is not contrary to the relevant part of the UDP or the Planning Obligations SPD.

Conclusions

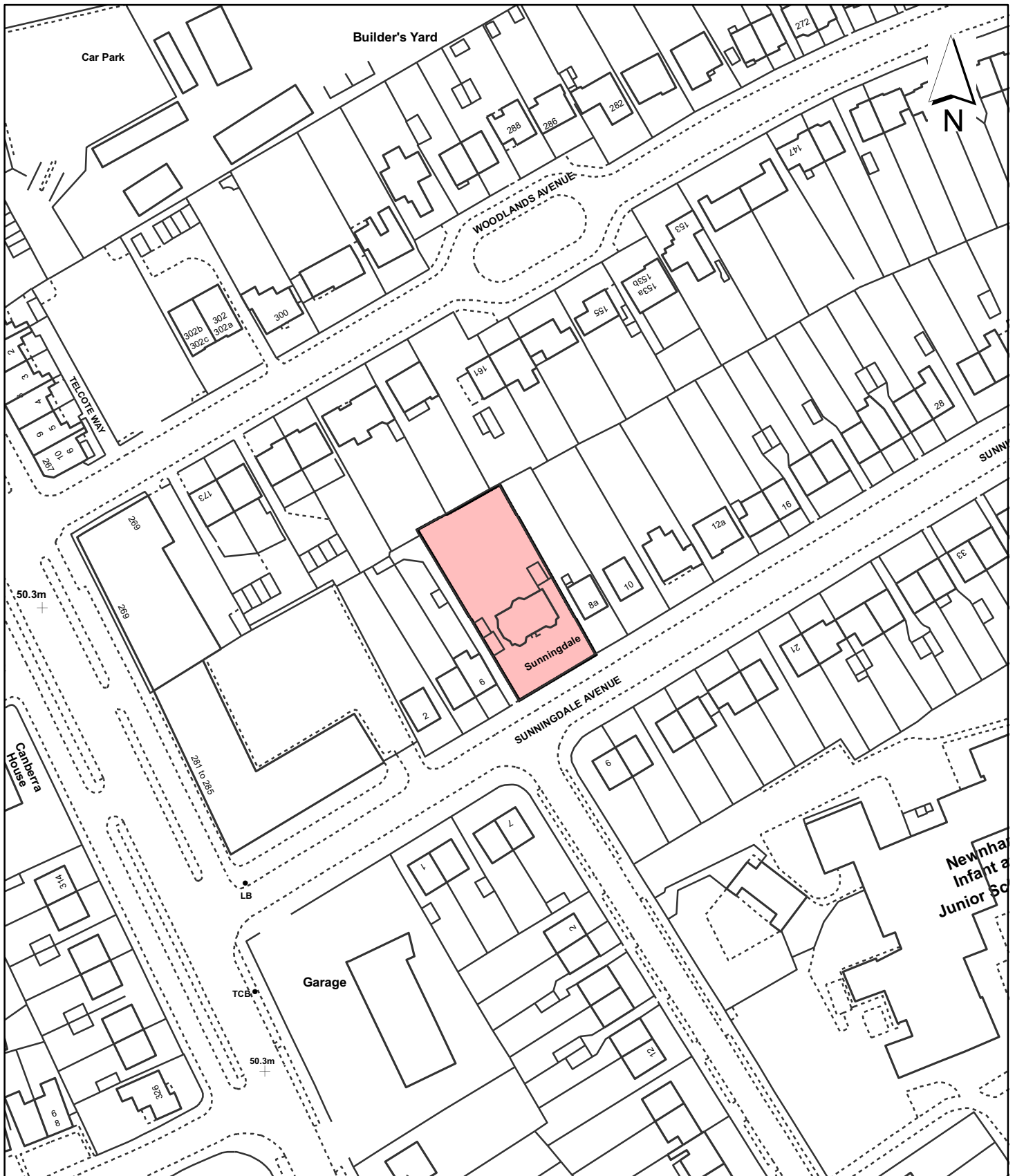
55. I have explained above that I am satisfied that the proposal will not be inappropriate in terms of its density, its impact on trees, highway safety or the proposed financial contribution to education in the Borough. However the determining issues are the harm caused to the character and appearance of the

area by reason the driveway, car parking area and manoeuvring space, the design of the crown roof and also the position of the proposed amenity space on the site. For the reasons given above I conclude that the appeal should be dismissed.


Other Matters

56. I carried out an inspection at No 8a as part of my site visit. I understand that the Council prepared shadow diagrams to illustrate what additional over-shadowing of the garden at 8a would occur. However, the Council came to the view that the additional over-shadowing would occur after 16:00 hours. They did not consider this would be so significant that it would unacceptably harm the living conditions of the occupiers of No. 8a. There is no evidence before me that the Council's assessment was incorrect.
57. The occupiers of 8a are also concerned about loss of light to a side window which lights a stairwell. I know that the position of the new building would be significantly closer to the side window than the existing building. However, there is no evidence that there would be such a reduction in the level of the light to this window that the living conditions for the occupiers of No. 8a would be unacceptably interfered with.
58. I do not consider that the building would have an unacceptable impact on the ground floor side floor windows at 8a. These are already sited close to the boundary fence and again there is no evidence that the proposed building will unacceptably reduce the levels of light reaching those windows.
59. I also inspected the site from the gardens at Nos. 163 & 165 Woodlands Avenue. The rear of these properties are about 50m from the rear of the proposed building. In addition there is a tall row of conifers growing along their common boundary with the site. Consequently, I am of the view that the proposal will have a negligible impact on the living conditions of the occupiers of those properties in terms of overlooking.
60. Given the likely level of use of the car parking area (as explained above) I do not consider that the noise, activity, headlights or fumes emanating from this area would cause any unacceptable harm to the living conditions of adjoining occupiers. Neither do I consider that there would be any unacceptable level of overlooking of nearby gardens or properties from the windows at first or second floor level (the vast majority of which are bedrooms).
61. Access to the rear of the premises would be controlled by a security gate. Further, the area to the rear of the building would be subject to natural surveillance by the occupiers of the flats. Accordingly, I do not consider that the security of adjoining properties would be compromised by this proposal.
62. The development could be properly drained in terms of surface and foul water and planning conditions could be imposed to secure that.
63. Whilst I have found that none of the other matters weigh against the proposal this does not change my conclusions on the main issues in this case.

Inspector: *Tim Belcher*



Notes

 Site boundary

For identification purposes only.

This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.

© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2010

Site Address	
8 Sunningdale Avenue Ruislip	
Planning Application Ref:	Scale
19038/APP/2010/2638	1:1,250
Planning Committee	Date
North	December 2010

**LONDON BOROUGH
OF HILLINGDON**

**Planning, Environment
& Community Services**

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



HILLINGDON
LONDON