

Report of the Corporate Director of Planning & Community Services

Address LAND FORMING PART OF 12 GLADSDALE DRIVE EASTCOTE
Development: Two storey three-bedroom detached dwelling with associated parking
LBH Ref Nos: 65761/APP/2009/599
Drawing Nos: Location Plan at Scale 1:1250
RAC/1
Design and Access Statement
RAC/2B
RAC/3B
RAC/4B
RAC/5B
Arboricultural Survey

Date Plans Received: 25/03/2009 **Date(s) of Amendment(s):** 25/03/2009
Date Application Valid: 25/03/2009 11/05/2009

1. SUMMARY

This application is subject to an appeal against non-determination within the statutory time period. The proposal is for a detached attached house that would be set adjacent the existing property No.12 Gladsdale Drive. In design terms the proposal would appear as an additional property to the end of the Road that would use the same front building line as the existing properties in the street. However, it is considered that due to the inadequate site areas shown for the proposed dwelling, the sub-division of this site would result in a development which would result in substandard living environment for the future occupants of this dwelling. In addition it is considered that the proposal would have an unacceptable visual impact on the adjoining Green Belt and therefore the proposal is considered contrary to adopted policy, national guidance and the London Plan (2008).

2. RECOMMENDATION

It is recommended that should members have been in a position to determine the application, they would REFUSE it for the reasons outlined below.

1 NON2 Non Standard reason for refusal

The proposed dwelling by reason of its siting and layout would result in a cramped form of development, which would not be in keeping with the existing surrounding development, and would, be detrimental to the visual amenity and character of the surrounding street scene contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2 NON2 Non Standard reason for refusal

The proposed development, by reason of its siting and overall size, bulk and height, would prejudice the openness of, and views to and from the Green Belt. The proposal is

therefore contrary to Policy OL5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Planning Policy Guidance 2 (Green Belts).

3 NON2 Non Standard reason for refusal

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

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

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

BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
R17	Use of planning obligations to supplement the provision of recreation leisure and community facilities
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	'Residential Layouts'
LLP 4A.3	Sustainable construction
OL5	Development proposals adjacent to the Green Belt
PPG2	Green Belts

LPP 3A.3
LPP 4B.1

London Plan Policy 3A.3 - Maximising the potential of sites
London Plan Policy 4B.1 - Design principles for a compact city.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is on the north side of Gladsdale Drive and comprises a plot of land, originally used as garden land in connection with the residential use of No.12, a semi detached property located at the western end of Gladsdale Drive. The street is residential in character and the land is on a slope with the land falling away towards the northwest to the stream at the rear. The land to the west is within the Green Belt and is also designated as a 'Site of Importance for Nature Conservation, and a Woodland Tree Preservation Order is in place. The western boundary of the site forms the boundary between the 'developed land' and the above mentioned designations as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

3.2 Proposed Scheme

The application seeks planning permission to erect a two storey 1-bedroom detached dwelling adjacent to 12 Gladsdale Drive using a similar front building line to the other properties in the street. The dwelling would be 6.55m wide and 12.7m deep and would be finished with a hipped roof, matching the height of No.12. The dwelling would be 4.9m to the eaves and 8.1m high to the ridge. Two off street parking spaces would be provided to the front of the property.

3.3 Relevant Planning History

65761/APP/2009/216 Land Forming Part Of 12 Gladsdale Drive Eastcote

Two storey four-bedroom detached dwelling with associated parking.

Decision: 09-03-2009 Withdrawn

Comment on Relevant Planning History

None

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

BE4 New development within or on the fringes of conservation areas

BE13 New development must harmonise with the existing street scene.

BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	'Residential Layouts'
LLP 4A.3	Sustainable construction
OL5	Development proposals adjacent to the Green Belt
PPG2	Green Belts
LPP 3A.3	London Plan Policy 3A.3 - Maximising the potential of sites
LPP 4B.1	London Plan Policy 4B.1 - Design principles for a compact city.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **13th May 2009**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

31 neighbours were consulted, and 2 petitions of 32 and 166 signatures respectively and 6 responses have been received, making the following comments:

1. This is Green Belt land and the building will damage lovely old Oak, Ash and Hornbeam trees;
2. The land has gradually been incorporated into the garden of No 12 over many years;
3. A close board fence has been erected involving the removal of an ancient hedgerow;
4. This is a Site of Importance for Nature Conservation, and an archaeological priority area. There are tree preservation orders on the trees adjacent to the proposed site, and this will probably endanger and kill them;
5. Bats roost in the Oak tree and voles live on the river bank;
6. The meadow was rich in plant and wild life, but these have been destroyed in the area boarded off, as everything was burnt;
7. This application would set a precedent for others to follow;
8. It is time the council adopts positive policy regarding developments eating piecemeal into the green belt to deter developers destroying our established conservation areas;
9. It is hard enough to park in the drive without adding a further property;
10. We have over 600 homes being built in less than a half mile radius, so there is already an over

development of housing and additional housing on this road should never be allowed.

11. We already have a problem with water pressure and drainage and another property would add to this;
12. They say it is not near water - it is, they say it cannot be seen from a public foot path - it can;
13. Previously the site was rented from the owner of the meadow to park his caravan, the previous owner fenced off parts before gaining title to it;
14. This development should be rejected for the same reasons that the development at Haydon Hill Meadow site at Pikes End was refused;
15. Further destruction of this hedgerow would endanger the habitat of wildlife including owls, bats, voles, hedgehogs and woodpeckers, etc;
16. It appears from the tree report that only one tree is at risk, does this mean no other trees have vulnerable root systems;
17. No 13 could be missing from the street scene due to superstition and when no 12 was built this area was probably left for access to the meadow;
18. There is little or no parking in Gladsdale Drive, which so far has been spared the blight of front gardens being concreted, the development would result in a parking lot at the end of the road, and the shared crossover would be unlikely to be acceptable to future purchasers, resulting in a wider crossover, loss of further front garden and street lighting re-sited;
19. Gladsdale Drive is built on a hillside and the ancient hedgerow provides a necessary wind break
20. The development is an example of garden grabbing and would set a precedent;
21. Land drainage - the land rises steeply from Gladsdale Drive, and this land will cause loss of natural land drainage. Considerable run off will occur from the parking area and any patio/garden buildings will add to this run off;
22. There is no guarantee that builders' waste will not find its way into the water course to the rear, this stream connects straight to the River Pinn which sustains a wide range of wildlife;
23. Faith in the eco credentials of the developer is somewhat strained, due to the destruction of the hedgerow and the subsequent burning of it;
24. It appears this is a money making exercise by a developer with little concern for the locality.

Eastcote Village Conservation Area Advisory Panel:

1. The land adjoins the Green Belt area known as Haydon Hill Meadows, which is an archaeological Priority Area and Site of Importance for Nature Conservation (Hi.B1 02 River Corridor), the river corridor of the SINC is at the rear of the site and the meadows are to the front and the rear;
2. The application shows the dwelling to be 0.5m away from the boundary with Haydon Hall Meadows. This would be detrimental to the trees growing on that boundary and the wildlife inhabiting those trees;
3. A 2m close board fence has already been erected to enclose the site, which involved the removal of part of a hedgerow. This is detrimental to the wildlife inhabiting the hedgerow;
4. The alleged diseased willow over hangs the site and the application would involve the tree being cut back and the roots damaged. The destruction of this tree will be detrimental to the ancient hedgerow;
5. London Plan Policy 3D.14 states development detrimental to protected land should be avoided;
6. The land registry plan shows the boundary was altered in 2008. It cannot be assumed there were plans to build when Gladsdale Drive was first laid out. Currently both sides of the road are equal length and to squash another house into the corner would be detrimental and out of character with the street scene (BE19). This land should be classed as greenfield not brown.
7. Land drainage - the land rises steeply from Gladsdale Drive and this land will cause loss of natural land drainage. Considerable run off will occur from the parking area and any patio/garden buildings will add to this run off. A sustainable urban drainage system (SUDS) would be needed and this would cause damage to the boundary trees in the SINC;
8. The design and access statement comments that a key characteristic of the road is front garden parking. This is incorrect, every property (except 1) is still laid out as built, with driveways leading to garages, and therefore the proposed front garden parking is out of keeping with the street scene;

9. The configuration of the shared drive will not be practicable. The angle from the road will require the dropped kerb to be altered, and a large part of the front garden to No.12 to be paved over;
10. There is a considerable amount of on street parking including the turning head and therefore the access would be restricted;
11. With regard to the tree survey, this indicates the land is slightly sloping this is incorrect, the land drops steeply and as such Gladsdale Drive is cut into the side of the hill. The survey only seems to concentrate on one tree (Willow), and does not consider the trees to the front that would be affected by the hardstanding;
12. Whilst there are no trees on the site, this is due to the developer cutting down and burning all the vegetation on the site. The woodland area protected by a preservation order and therefore all regeneration growth is protected, as such the comment that new saplings growing on the protected area are not of any significance, should be disregarded. This is an ancient hedgerow and according to DEFRA is species rich and should be protected;
13. The tree report states the willow tree has another 10 years of life, the slow demise is important to the ecology of the hedgerow, it will provide food and shelter to insect life, especially stag beetles which inhabit the meadows and are protected. The removal of this tree will require TPO permission, and to erect a dwelling on its roots will cause it to die more quickly;
14. Given the steep incline of this site, pollution from the building works will undoubtedly pollute the stream and the erection of a dwelling so close to the ancient hedgerow would be detrimental;
15. We are the owners of the adjacent land and the willow tree that would be affected by the proposal. We object on the basis of any harm to this tree. (Officer comment - this objection has now been removed and permission has been given to remove the tree)

Eastcote Residents Association:

1. The current house is adjacent to the green belt. It appears that the adjacent land has been recently purchased, we assume from the owner of the adjacent field which forms part of the Green Chain, known as Haydon Hill Meadows. Thus we assume the proposed land was, until recently, part of the Green Belt and as such protected;
2. The developer has fenced off the area and damaged the ancient hedgerow. The fence should be removed as soon as possible and the hedge reinstated;
3. There has recently been a successful campaign to stop development on Haydon Hill Meadows and we see no reason why this development should be any different and should be refused;
5. The siting of the additional property would be very cramped and the shared front driveway would be unsatisfactory;
6. The proposal would be detrimental and out of keeping with the street scene.

Northwood Hills Residents Association was consulted and no comments were received.

Ruislip, Northwood and Eastcote Local History Society

Despite claiming the development is not in the Green Belt it is only 0.5m away from the boundary, which will obviously have a detrimental affect on the Haydon Hill Meadows. It will look cluttered in the street scene.

Hillingdon Green Party

I reiterate the comments from Eastcote Village Conservation Area Advisory Panel, who state the proposal is not in accordance with Policies OL5, OE8, BE19, AM14 and the London Plan Policy 3D.14.

Environment Agency were consulted and considered that this application was assessed as having a low environmental risk. As such a full response to the application would not be made.

Metropolitan Police Authority was consulted and no response has been received.

Two of the Ward Councillors have requested that the application be referred to the North Planning Committee.

Officer comment: The issues relating to the impact on the Green Belt, the street scene, the impact on the nature conservation area and issue relating to parking and traffic are covered in the main report. Issues relating to drainage are not planning matters. With regard to the hedgerow that has been removed, this was not covered by the Hedgerow Regulations, and as such does not have to be reinstated by the landowner. In relation to archaeology, the archaeological area maps have been viewed and whilst the adjoining site was once designated as a priority area the boundaries have now substantially reduced and this adjoining land is no longer covered by the designation.

Internal Consultees

TREE/LANDSCAPE OFFICER

The woodland, which includes a willow and a number of hornbeam and ash trees, on the land to the north of the site is protected by TPO 387. The immature Ash trees at the end of Gladsdale Drive and close to the eastern boundary of the site do not form part of the protected woodland.

The scheme includes a survey report about the multi-stemmed Willow tree close to the northern boundary of the site. The report also mentions the woodland. The willow is found to be defective and prone to split and collapse, because decay in the main stem has spread to the other limbs one of which has collapsed, and will have to be removed in the interests of safety. Saved policy BE38 of the UDP does not apply to this tree, because in this condition it is not a feature of merit. In this context, the removal of this tree is a private matter for the owners of the land on which it is situated, who have indicated that the tree can be removed.

The scheme also includes a revised site plan, which shows the location of the trees at Gladsdale Drive (Dwg. No.RAC/2/c) and the levels across the site.

Subject to the protection afforded by the existing boundary fence, which should be retained, the scheme will not affect the other (off-site) woodland trees and the (off-site) trees at the end of Gladsdale Drive. The layout also reserves space for landscaping.

Subject to conditions TL1 (levels), TL5, TL6 and TL7, and a condition requiring the retention of the existing boundary fence or the provision of alternative fencing to protect the off-site trees/woodland (reason TL3), the scheme is acceptable in terms of saved policy BE38.

WASTE STRATEGY SECTION

The dwelling should incorporate in their design storage provision for an average of 2 bags of recycling and two bags of refuse per week plus 3 garden waste bags every 2 weeks.

Director of Education

Assuming the new dwelling will be a private house, the contribution request would be £8,953

CONSERVATION AND URBAN DESIGN OFFICER

The site forms the side garden of an existing semi-detached house located at the end of the road and fronting a small turning head. The land falls quite steeply in this area, with the houses on the

north side of the road sitting below street level. The detached houses on the opposite side are raised considerably above road level and are very prominent in the street scene. Overall within the street the houses are varied in style, although towards the northern end of the road, they tend to be fairly simply detailed with hipped roofs rather than gables being a feature of the street elevations.

The site is low lying, well screened by greenery and positioned far enough away from the boundary of the Eastcote Village CA not to impact on its setting. We are of the view that the new house should be set back off both boundaries of the site by a minimum of 1m, so that it sits more comfortably within the site. The design of the elevation does need to be simplified, the front gable should be revised to a hip and the projecting bay omitted so that the street elevation reflects the style of the immediately adjacent properties. If agreed, samples of the building materials should be conditioned for agreement to ensure that they are appropriate for the location.

Revisions required.

Officer comment - these comments were forwarded to the applicant/agent, and amended plans have now been received.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is designated as a Developed Area within the Hillingdon Unitary Development Plan Saved Policies (September 2007). Residential activities are considered appropriate within Developed Areas and thus the principle of residential development is acceptable, subject to compliance with the policies within the Unitary Development Saved Policies September 2007, The London Plan (2008) and national policies.

7.02 Density of the proposed development

Policy 3A.3 of the London Plan advises that Boroughs should ensure that development proposals achieve the highest possible intensity of use compatible with local context and the site's public transport accessibility. The London Plan provides a density matrix to establish a strategic framework for appropriate densities at different locations.

Table 3A.2 recommends that developments of detached houses on suburban residential sites with a PTAL score of 1 should be within the ranges of 35-55 u/ha and 150-200 hr/ha. The proposed density for the site is 280 habitable rooms per hectare (hrpha), which is in excess of the London Plan thresholds. Applications, though should not be refused purely on the basis that they exceed a stated density, but the impact of the scale, size and bulk should be considered as a manifestation of this and it is the siting of the development very close to the Green Belt boundary, its failure to leave sufficient space around the proposed development and the need to provide large areas of hardstanding to meet parking requirements which shows that the proposed density of development is unacceptable.

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

The application is adjacent to Eastcote Village Conservation Area and the site forms the side garden of an existing semi-detached house located at the end of the road and fronting a small turning head. The land falls quite steeply in this area, with the houses on the north side of the road sitting below street level. The detached houses on the opposite side are raised considerably above road level and are very prominent in the street scene. Within the street the houses are varied in style, although towards the northern end of the road, they tend to be fairly simply detailed with hipped roofs rather than gables being a feature of the street elevations. The site is low lying, well screened by greenery and positioned far

enough away from the boundary of the Eastcote Village CA not to impact on its setting. The design of the property is considered to be acceptable in terms of its impact on the adjoining conservation area.

7.04 Airport safeguarding

Not applicable to this case.

7.05 Impact on the green belt

The application site lies immediately adjacent to the Green Belt which at this point, also forms a site of Nature Conservation of Grade I Importance. Policy OL5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) states that the Local Planning Authority will normally only permit development adjacent to or conspicuous from the Green Belt if it will not injure the visual amenities of the Green Belt. Clause 3.15 of PPS2 also advises that the visual amenities of the Green Belt should not be injured by proposals for development conspicuous from the Green Belt by reason of their siting, materials or design.

The residential properties in Gladsdale Drive and in particular the two properties immediately adjacent to the Green Belt boundary provide not only an attractive setting to the Green Belt, but an essential transition between the urban area and the Green Belt. This situation is created by the dwellings being located well away from the boundary. The nearest point of the existing house to the boundary adjoining the Green Belt is approximately 10m. The proposed scheme would take the nearest property to within 1m of the boundary with the Green Belt, which leaves insufficient room for any meaningful landscaping, thus resulting in the dwelling being much more conspicuous from the Green Belt than existing properties. As a result of the siting of the dwelling the scheme is considered to compromise the openness of the Green Belt contrary to Policy OL5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and PPS2.

7.06 Environmental Impact

Not applicable to this case.

7.07 Impact on the character & appearance of the area

Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies September 2007 highlights the importance of designing new development to harmonise with the existing street scene whilst Policy BE19 seeks to ensure that new development within residential areas complements or improves the amenity and character of the area.

Planning Policy Statement 1 (PPS1) and the London Plan states that the appropriate density of development depends on a balance between the full and effective use of available housing land and the following important considerations; the quality of the housing layout and design, its compatibility with the density, form and spacing of surrounding development and the location configuration and characteristics of the site.

The area generally comprises a mix of 2-storey detached and semi-detached housing on reasonably large plots of land with landscaped gardens. The proposed property, particularly in relation to its siting in relation to the boundaries is considered to compromise the existing open character of the area. The proposed scheme is constrained on its site in comparison to the surrounding properties. As such, it is considered that the proposed layout of the dwelling is not in keeping with the layout of the adjoining residential properties. Consequently, it is considered that the development would have an adverse impact on the local distinctiveness of the area in terms of spacing, scale, massing and layout. It is therefore considered that the proposal would be contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.08 Impact on neighbours

With regard to the impact of the amenities on the adjoining occupiers, Sections 4.9 of the SPD: Residential Layouts, in relation to new dwellings, states all residential developments and amenity space should receive adequate daylight and sunlight, including habitable rooms and kitchens. The daylight and sunlight available to adjoining properties should be adequately protected. Where a two or more storey building abuts a property or its garden, adequate distance should be maintained to overcome possible over-domination, and 15m will be the minimum acceptable distance. This proposal would comply with this advice as the rear garden would be in excess of 18m. Furthermore, due to the proposed siting of this dwelling, (in line with the adjacent property, with a 1.3m single storey rear projection) it is not considered the proposal would cause an adverse affect by way of loss of outlook or light to the existing or adjacent properties. Therefore the proposal would comply with policies BE20 and BE21 of the UDP (Saved Polices September 2007) and the guidance within the SPD: Residential Extensions.

With regard to loss of privacy, the side facing openings shown on the proposed plans, would be either to serve WC's/bathrooms or would be secondary windows. As such if an approval were considered appropriate a condition could be attached to require these openings to be obscure glazed and non-opening below top vent and a further condition applied to restrict the insertion of any future openings, to overcome any overlooking concerns, and as such no material loss of privacy would arise. Therefore the proposal would comply with policy BE24 of the UDP (Saved Policies September 2007) and the SPD: New Residential Layouts: Section 4.12.

7.09 Living conditions for future occupiers

Section 4.7 of the SPD: Residential Layouts, states careful consideration should be given to the design of the internal layout and that satisfactory indoor living space and amenities should be provided. The proposed internal floor space for the new dwelling would be 126.6m². The SPD states the minimum amount of floor space required for a 3-bedroom, two storey house would be 81m² and therefore the proposal would comply with this advice

With regard to the size of the garden, the SDP: Residential Layouts: Section 4.15 states that a 3 bed house should have a minimum garden space of 60m², and the proposal would comply with this advice, with a rear usable garden area of over 250m² for the existing dwelling and 159m² for the proposed new dwelling. Therefore the proposal would comply with this advice and with Policy BE23 of the Hillingdon UDP (Saved Policies, September 2007).

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposal shows the provision of 2 off street parking spaces for the existing dwelling and a further two spaces for the new dwelling, as such the proposal is considered to comply with the Council's approved car parking standards and with policies AM7(ii) and AM14 of the Hillingdon Unitary Development Plan (Saved Polices September 2007).

7.11 Urban design, access and security

As above

7.12 Disabled access

Disabled access will be provided at ground floor via the front and rear entrances. Disabled access will be provided to the ground floor WC and the dwelling is of a sufficient size to incorporate the requirements of Lifetime Homes standards. Therefore the proposal would

comply with Policy 3A.4 of the London Plan and the Council's HDAS: Accessible Hillingdon.

7.13 Provision of affordable & special needs housing

Not applicable to this case.

7.14 Trees, Landscaping and Ecology

The Council's Landscape Officer has not raised objection to the proposal in terms of the impact of the proposal on protected trees and in this respect the proposal is considered acceptable. The issue of landscaping provision within the site and the impact of this is discussed in Section 7.05.

7.15 Sustainable waste management

Section 4.40 - 4.41 of the SPD: Residential layouts deals with waste management and specifies bin stores should be provided for, and wheelie bin stores should not be further than 9m from the edge of the highway, no details have been provided in respect of this issue however it is considered that should the application be approved these matters could be dealt with by way of a condition.

7.16 Renewable energy / Sustainability

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

7.17 Flooding or Drainage Issues

The environment agency have been consulted and considered that this application was assessed as having a low environmental risk. As such a full response to the application would not be made.

7.18 Noise or Air Quality Issues

Not applicable to this case.

7.19 Comments on Public Consultations

See Section 6.1

7.20 Planning Obligations

Presently S106 contributions for education are only sought for developments if the net gain of habitable rooms exceeds six, which it does in this case. The Director of Education has commented that a contribution of £8,953 would be required towards nursery, primary and post-16 education in the Eastcote and East Ruislip area.

7.21 Expediency of enforcement action

Not applicable to this case.

7.22 Other Issues

None

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

As there are no S106 or enforcement issues involved (given the recommendation is to refuse), the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

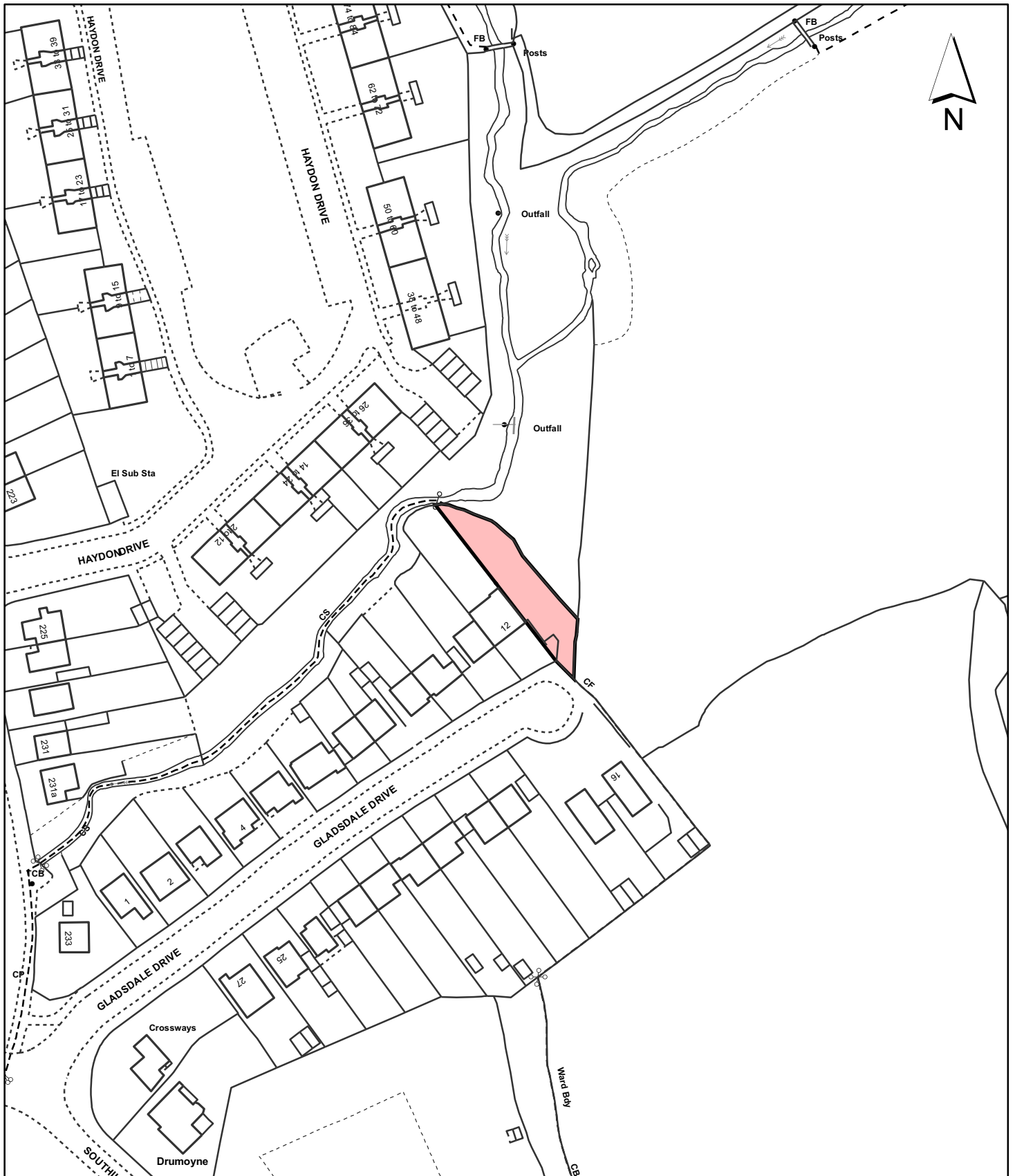
The proposal, due to the lack of area to the side to allow for a sufficient landscaping strip in relation to the green belt boundary, and the inadequate living conditions that would be provided for the future occupants of the proposed dwelling the proposal is considered contrary to policies in the Hillingdon Unitary Development Plan (Saved Policies September 2007), HDAS: New Residential Layouts: July 2006, PPG2 (Green Belts) and The London Plan (2008)

11. Reference Documents


Hillingdon Unitary Development Plan Saved Policies September 2007
HDAS: New Residential Layouts: July 2006
The London Plan (2008)

Contact Officer: Catherine Hems

Telephone No: 01895 250230



Notes

 Site boundary
For identification purposes only.

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London Borough of Hillingdon
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Site Address	
Land forming part of 12 Gladsdale Drive Eastcote	
Planning Application Ref:	Scale
65761/APP/2009/599	1:1,250
Planning Committee	Date
North	June 2009

**LONDON BOROUGH
OF HILLINGDON**

**Planning &
Community Services**

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