

## Report of the Head of Planning & Enforcement Services

**Address** LAND ADJOINING 12 GLADSDALE DRIVE EASTCOTE

**Development:** Erection of a single storey detached one-bedroom dwelling with associated parking and amenity space.

**LBH Ref Nos:** 65761/APP/2010/2707

**Drawing Nos:** Location Plan to Scale 1:1250  
Arboricultural Survey  
Design and Access Statement  
Drwg. No.1  
DC2  
DC3  
DC4

**Date Plans Received:** 23/11/2010                      **Date(s) of Amendment(s):**

**Date Application Valid:** 30/11/2010

### 1. **SUMMARY**

The proposal is for a single storey detached house that would be set adjacent to the existing property, 12 Gladsdale Drive. In design terms, the development would appear as a stand alone bungalow, however due to its siting and position the proposal would result in a development which would appear cramped and out of context in relation to the design and pattern of the existing residential development, resulting in a detrimental impact on the character of the wider area. The principle of intensifying the residential use of the site through the loss of the side garden area would also have a detrimental impact on the character, appearance and local distinctiveness of the area. As such, the proposal is considered contrary to Policies BE13, BE15 and BE19 of the Hillingdon Unitary Development Plan (Saved Policies September 2007), the Supplementary Planning Document HDAS: Residential Layouts, the Supplementary Planning Document Accessible Hillingdon January 2010, and the London Plan (2008).

### 2. **RECOMMENDATION**

**REFUSAL for the following reasons:**

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

The proposed development, by reason of its siting, design and layout, would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site through the loss/part loss of this side garden area would have a detrimental impact on the character, appearance and local distinctiveness 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, 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 proposal by reason of the size, design and the siting would result in a form of development which would be cramped and out of character with the existing pattern of residential development in the area. The proposal therefore represents an over development of the site to the detriment of the character and visual amenities of the area contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan (Saved Policies September 2007), Policy 4B.3 of the London Plan (2008) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

## 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.

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
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.
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.
BE4	New development within or on the fringes of conservation areas
OL5	Development proposals adjacent to the Green Belt
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
SPG	Residential Layouts
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.
LPP 4B.8	Respect local context and communities

## 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 area 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 single 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 5.48m wide and 11.36m deep and would be finished with a hipped roof that would be 2.5m to the eaves and 3.89m 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

65761/APP/2009/599 Land Forming Part Of 12 Gladsdale Drive Eastcote

Two storey three-bedroom detached dwelling with associated parking.

**Decision:** **Appeal:** 16-09-2009 Dismissed

#### Comment on Relevant Planning History

This is the third application submitted for a dwelling on this site. The first submission(65761/APP/2009/216) was withdrawn following officer advice that the application would not receive officer support due to its design and the lack of an arboricultural report.

The second application (65761/APP/2009/599) was appealed under non-determination, however it was considered by the North Planning committee that the application would have been refused for the following reasons:

1. 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. 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. 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.

In the determination of this appeal the inspector considered that:

- Due to the limited plot width, the need to provide off street parking to the front rather than the side, together with the orientation of the front facade, the proposal would result in a cramped appearance failing to harmonise with the existing street scene or complement the character of the wider area.
- In relation to the impact on the adjoining Green Belt, whilst accepting that there would be no meaningful space to provide landscaping to this boundary, he considered that the development would not provide a significantly different or inferior context for the Green Belt than which exists in the area at the moment. In the context of the boundary with the Green Belt the development would have no adverse effect on the visual amenities of the Green Belt.
- The proposal would provide adequate floorspace for future occupiers.

Subsequent to the determination of that appeal and the submission of this current proposal, an application for a certificate of lawful development was submitted for a proposed garage and games room in the same position as the current proposal (65761/APP/2009/2562). This Certificate was refused by the Local Authority due to its excessive size and scale failing to represent a structure required for the incidental enjoyment of the dwellinghouse. This decision was appealed and the inspector concluded that the building would not be overly excessive and would still be in the realms of objective reasonableness and granted a Certificate of Lawful Development.

Whilst it is noted that the proposed outbuilding, which has been granted a certificate of lawfulness, would use the same footprint and built form as the current application for a single storey dwelling, it is considered that the material impact of an additional dwelling in this position would be substantially different, due to the intensification of use of the site that would result. Particularly with regard to the visual impact on the existing street scene and off street parking provision, which were raised in the previous inspectors considerations, namely:

- That the plot width of the site would be less than the norm for the road;
- That the proposal would result in off street parking provision for 2 vehicles on the frontage, whilst the norm for the street is that of front gardens being retained with drives leading to garages to the sides which assist in providing space between the properties;
- That the proposed layout, using the same building lines as the adjacent properties would result in the proposed dwelling being out of character as it would relate oddly to the street scene as it would not face the street with the front elevation at an angle to the road.

As such, it is considered that the impact of an additional residential unit in this position with its own separate needs and associated paraphernalia would be materially different to the impact of an ancillary outbuilding used in association with the main dwelling on the site.

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

Planning Policy Guidance Note 2: (Green Belt)

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

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

Part 1 Policies:

Part 2 Policies:

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
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.
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.
BE4	New development within or on the fringes of conservation areas
OL5	Development proposals adjacent to the Green Belt
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
SPG	Residential Layouts
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.
LPP 4B.8	Respect local context and communities

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- **5th January 2011**

## **6. Consultations**

### **External Consultees**

The application has been given statutory press and site publicity. 34 neighbours and interested parties were consulted including the Eastcote Village Conservation Area Advisory Panel, Northwood Hills Residents Association, and Eastcote Residents Association. 6 individual responses and a petition of 43 signatures have been received, that made the following comments:

1. The land has always been part of the Green Belt land, adjacent to No.12;
2. The changes to PPS3 have taken gardens out of the Brownfield category, and therefore there is no automatic right to build a dwelling on this land;

3. This is the 5th application in 18 months, it is clear the developer is trying to achieve his goal little by little of building a large detached property in the garden;
4. It is difficult to understand how one inspector can contradict another and arrive at a completely opposite conclusion when none of the site circumstances have changed;
5. It is now argued that as the inspectorate has given permission for an outbuilding, a precedent has been set, this argument is flawed as a 1 bedroom dwelling is not incidental to the main property;
6. The statement made by the developer that his family would be moving into the house and required this outbuilding has proved to be utterly false;
7. The previous appeal decision comments on the existing characteristics of the street scene, regarding spaces between dwellings, garages to sides and front gardens retained. As such this proposal would be out of character;
8. Dwellings in Gladsdale Drive are all two storey with pitched roofs, a bungalow would be out of character;
9. The building would be too close to Green Belt land and contrary to Green Belt policy;
10. The footings and installation of services would inevitably damage root systems of the Green Belt tree screen and ancient hedgerow;
11. Building so close to the tree screen would render the property extremely dark, leading to pressure to fell adjacent trees on light impairment grounds;
12. The building would project beyond the established end of the road;
13. Contrary to the stated claim, the building would be visible from the public road and from the public footpath through the Green Belt land to the rear;
14. Your officers should visit the site and see the disgraceful way it has been left for months and months. The developer does not intend to move in, he just wants to make money.

Environment Agency: We have no objection to the proposal as shown in the application. Suggested Informative:

Under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage Byelaws, 198 , our prior written consent is required for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Joel Street Farm Ditch, designated a main river.

#### **Internal Consultees**

Conservation and Urban Design Officer:

There has been a recent appeal decision that is pertinent to this proposal in terms of its impact on the streetscape of Gladsdale Drive. With regard to the development of the site to create a two storey house, the Inspector noted "I consider that the very limited plot width and the need to provide off road parking rather than a front garden at the site, together with the orientation of the front facade of the appeal property, all underline the fact that the proposal would appear cramped on its site, and to that extent it would in my view fail to harmonise with the existing street scene and to complement the character of the immediate area." This position is supported by recent Government policy with regard to the development of gardens.

Whilst the proposed bungalow would appear less intrusive in the street scene, given the character of the street, ie two storey houses and maisonettes, the frontage parking and the orientation of the street facade ie not fronting the street, it would nevertheless be an incongruous feature within the streetscape of the area. The scheme would not have any impact on the Eastcote Village Conservation Area.

CONCLUSION: Objection as it would create an incongruous element within the street scene.

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 (from 2009) 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. As previously, and as acknowledged by the Inspector who dismissed the appeal against the refused application (ref: 65761/APP/2009/599), 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 matter of the removal of this tree is a private matter for the owners of the land on which it is situated, who had previously indicated that the tree can be removed.

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 at the front of the site.

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 and Green Belt landscape policy.

Access Officer:

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

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

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

Conclusion: No objection is raised in terms of accessibility provided a suitable planning condition, to secure Lifetime Homes Standards, is attached to any grant of planning permission.

Waste strategy:

Hillingdon is not a wheeled bin borough. Bins or other containment would have to be provided by the developer.

The current waste and recycling collection systems are:

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

The waste and recycling should be presented near the curtilage of the property on allocated collection days.

## **7. MAIN PLANNING ISSUES**

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

The site is within the developed area as designated in the Hillingdon Unitary Development Plan Saved Policies (September 2007). Residential development, in principle, is acceptable within the developed area, subject to compliance with the policies within the Unitary Development Saved Policies September 2007, The London Plan (2008) and national policies.

However, there have been a number of key changes in the policy context, since the adoption of the UDP (Saved Policies September 2007), the adopted SPD guidance and the previously determined applications on this site. These include the adoption of The London Plan (consolidated with alterations since 2004), the Letter to Chief Planning Officers: Development on Garden Land dated 19/01/2010, The London Plan Interim Housing Supplementary Planning Guidance adopted April 2010, and new Planning Policy Statement (PPS) 3: Housing adopted June 2010.

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

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

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

- \* local context and character including the historic and built environment;
- \* safe, secure and sustainable environments;
- \* bio diversity;
- \* trees;
- \* green corridors and networks;
- \* flood risk;
- \* climate change including the heat island effect, and
- \* enhancing the distinct character of suburban London,

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

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



Revised Planning Policy Statement 3: Housing, was published in April 2010 and, as advised in the Letter to Chief Planning Officers, discussed above, clearly clarifies that not all developed land is necessarily suitable for housing, nor that all of the curtilage should be developed. It also makes it clear that well thought out design and layout which integrates with and complements existing buildings and the surrounding local context is a key consideration which needs to be taken into account when assessing proposals for residential development.

The London Plan Interim Housing supplementary Planning Guidance, and revised Planning Policy Statement 3 were both published prior to the submission of the application. As such they also carry significant weight and whilst they do not introduce additional policy, they do provide clarity on the interpretation of existing policies within the London Plan. Whilst there is in general no objection to the principle of an intensification of use on existing residential sites it is considered that in this instance the use of this side garden area to provide a single storey dwelling unit in this location, with the resulting built development and the necessary creation of additional areas of hardstanding with associated pedestrian and vehicular access to the site, would result in a contrived, cramped and out of character development that would be detrimental to the local and historical context of the area, which is characterised by two storey semi-detached properties with garages/driveways to the sides and retained front garden areas. When balanced against the limited contribution the development would make toward achieving housing targets in the borough it is considered that the principle of the proposed residential development would be contrary to Policies 3A.3, 4B.1 and 4B.8 of the London Plan, guidance within The London Plan Interim Housing Supplementary Planning Guidance and Planning Policy Statement 3: Housing.

#### **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 would be approximately 86 habitable rooms per hectare (hrpha), which is below the suggested London Plan thresholds. However, the proposal is for a single, very small dwelling where the density of the proposal has limited value in assessing its acceptability and its compliance with policies within the Hillingdon Unitary Development Plan Saved Policies (September 2007), The London Plan (2008) and national policies is of greater relevance.

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

The application is adjacent to Eastcote Village Conservation Area, however, in relation to the impact of a two storey dwelling on the site, the Inspector in the appeal decision commented as follows:

"22. I agree with the Council that the appeal site is far enough away from the boundary of the Eastcote Village Conservation Area for the appeal development not to have any impact on its setting. I therefore do not see that saved UDP Policy BE4 is engaged.

The scheme would, therefore, not have any impact on the Eastcote Village Conservation Area.

#### **7.04 Airport safeguarding**

Not applicable to this application.

## **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.

However, in the considerations of the previous appeal for a two storey dwelling set in 1m from this Green Belt boundary the inspector commented:

"16. The Green Belt land adjoining the appeal site is heavily wooded, effectively preventing views of any significance either from or to the wider Green Belt. The dwellings which currently lie adjacent to the Green Belt (12 and 16 Gladsdale Drive) have greater separation from the Green Belt boundary, which would allow a softer transition than would be possible at the appeal property, but at number 16 this space is used only for the access drive to the garaging at the rear. The appeal development would be constructed on land which is lower than the road, and significantly lower and therefore less conspicuous than the maisonettes at 16 and 16A Gladsdale Drive.

17. I accept that there could be no meaningful landscaping in the 1 metre of separation between the built development on the appeal site and the Green Belt boundary, but effectively there is none at number 16 or adjacent to the turning area at the head of Gladsdale Drive. In my view the appeal development would not provide a significantly different or inferior context for the Green Belt than that which exists in the area at the moment."

The current application seeks permission for a single storey dwelling set in 2m from the Green Belt boundary and therefore in the context of the boundary with the Green Belt in this area, the proposal would not have an adverse effect. As such the application is considered to accord with Policy OL5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

## **7.06 Environmental Impact**

Not applicable to this application.

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

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. Section 4.27 of the SPD: Residential Layouts, states careful consideration should be given to building lines, and these should relate well to the existing street pattern.

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 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 single storey

property, particularly in relation to its siting and design and proximity to the site 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. This view was confirmed, in the consideration of the previous appeal for a two storey proposal on this site, the inspector commented that the plot width of the site would be less than the norm for the road, the proposal would result in the off road parking spaces for 2 vehicles on the frontage, whilst the norm for the street is that of front gardens being retained with drives leading to garages to the sides, providing good spaces between and due to the proposed layout, using the same building lines as the adjacent properties, this would result in the proposed dwelling being out of character as it would relate oddly to the street scene as it would not face the street with the front elevation at an angle to the road.

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. As such, 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. Due to the single storey nature of the proposal and the distances to the nearest residential properties it is not considered that a material loss of outlook or light would result to those properties. Therefore the proposal would comply with policies BE20 and BE21 of the UDP (Saved Policies September 2007).

With regard to loss of privacy, the side facing openings shown on the elevation facing the host dwelling (No.12) would be to serve a hallway and therefore could be conditioned to be obscure glazed and non-opening below top vent and with regard to the remaining side elevation this would look out over the adjoining Green Belt land and therefore would not result in any loss of privacy to adjoining occupiers. Therefore the proposal would comply with policy BE24 of the UDP (Saved Policies September 2007).

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

Section 4.7 of the SPD: Residential Layouts, states careful consideration should be given 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 51.4m<sup>2</sup>. The SPD states the minimum amount of floor space required for a 1-bedroom, single storey house would be 50m<sup>2</sup> 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 1 bed house should have a minimum garden space of 40m<sup>2</sup> and the proposal would comply with this advice with a usable rear garden area of over 140m<sup>2</sup> for the new dwelling. Therefore the proposal would comply 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 car parking standards and with policies AM7(ii) and AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

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

As above

#### **7.12 Disabled access**

The proposal comprises a single storey building and as such level access could be provided throughout and the Design and Access statement comments that the development would comply with Part M of Building Regulations. As such, the proposal is considered to 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 application.

#### **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.

As such, the proposal is considered to comply with Policy BE38 of the Hillingdon Unitary Development Plan (Saved Policies, September 2007).

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

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

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

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

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

Policy OE7 of the UDP (Saved Policies September 2007) considers areas that could be liable to flooding. The Environment Agency do not object to the proposal subject to an informative. As such the proposal is considered to accord with policy OE7 of the Hillingdon Unitary Development Plan (Saved Polices September 2007).

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

Not applicable to this application.

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

With regard to points 1 the site is not within the Green Belt and the impact of the proposal on the Green Belt is considered above. Points 3, 6, and 14 are not material planning considerations. The other points raised are covered in the main report.

#### **7.20 Planning Obligations**

Presently S106 contributions for education are only sought for developments if the net gain of habitable rooms exceeds six. The proposal would result in the provision of 3 additional habitable rooms and therefore no contribution would be sought in this instance.

#### **7.21 Expediency of enforcement action**

Not applicable to this application.

#### **7.22 Other Issues**

None

### **8. Observations of the Borough Solicitor**

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

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

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

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

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

#### **9. Observations of the Director of Finance**

Not applicable to this application.

#### **10. CONCLUSION**

The proposal, due to its siting and position would result in a development which would appear cramped and out of context in relation to the design and pattern of the existing residential development, resulting in a detrimental impact on the character of the wider area. The principle of intensifying the residential use of the site through the loss of the side garden area would also have a detrimental impact on the character, appearance and local distinctiveness of the area. As such, the proposal is considered contrary to Policies BE13, BE15 and BE19 of the Hillingdon Unitary Development Plan (Saved Policies September 2007), the Supplementary Planning Document HDAS: Residential Layouts, the Supplementary Planning Document Accessible Hillingdon January 2010, and the London Plan (2008).



#### **11. Reference Documents**

Hillingdon Unitary Development Plan Saved Policies September 2007  
HDAS: Residential Layouts  
The London Plan (2008)  
Planning Policy Guidance Note No 2: Green Belts  
Supplementary Planning Guidance: Educational Facilities  
Planning Policy Statement 3: Housing (June 2010)  
The London Plan: Interim Housing Supplementary Planning Guidance (April 2010).

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<p><b>Notes</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>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.</p> <p>© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2009</p>	<p>Site Address</p> <p style="text-align: center;"><b>Land Adjacent to 12 Gladsdale Drive, Eastcote</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b></p> <p><b>Planning, Environment &amp; Community Services</b></p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p style="text-align: center;"><b>65761/APP/2010/2707</b></p>	<p>Scale</p> <p style="text-align: center;"><b>1:1,250</b></p>	 <p style="text-align: center;"><b>HILLINGDON</b> LONDON</p>
	<p>Planning Committee</p> <p style="text-align: center;"><b>North</b></p>	<p>Date</p> <p style="text-align: center;"><b>February 2011</b></p>	