

## Report of the Head of Planning & Enforcement Services

**Address** 56 THE DRIVE ICKENHAM

**Development:** Two storey six-bedroom detached dwelling with basement level and habitable roofspace with detached garage to front, involving the demolition of existing dwelling.

**LBH Ref Nos:** 4496/APP/2009/2765

**Drawing Nos:** 1:1250 Location Plan  
Design and Access Statement  
08/38/3  
08/38/02 Rev. E

**Date Plans Received:** 23/12/2009      **Date(s) of Amendment(s):** 23/12/2009

**Date Application Valid:** 01/02/2010      01/02/2010  
28/10/2010

### 1. SUMMARY

This application is a re-submission of a previously approved scheme (4496/APP/2009/1285) for a replacement house on this plot. The current scheme differs from the house previously approved in that its depth would be increased from 8.85m to 10.1m, it would have a larger lightwell at the rear to serve the basement, the ridge height of the crown roof has been increased, there have been minor alterations to the elevations, a reduction in the size of the dormers and an additional rooflight facing No.58 The Drive.

The originally submitted plans with this application showed the house increasing in depth by 2m as compared to the previously approved scheme (4496/APP/2009/1285) which would have been the same depth as the house originally proposed on the previous application before that application was amended. The current scheme has also now been amended, reducing the increase in depth of the house to 1.25m. A number of amended plans have also been received, in an attempt to show the adjoining properties correctly, the latest plan of which (08/38/02 Rev. E) is considered to be sufficiently accurate and upon which neighbouring properties have been re-consulted.

The revised scheme is considered acceptable in terms of the character and appearance of the street scene and the amenities of surrounding occupiers, including the amenities of potential occupiers of a new house that has been granted permission at the rear of the site but has yet to be built. Furthermore, the scheme would afford suitable living accommodation for its future occupiers. It is recommended accordingly.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

1      T8      **Time Limit - full planning application 3 years**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

**2 M1 Details/Samples to be Submitted**

No development shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority.

**REASON**

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**3 OM1 Development in accordance with Approved Plans**

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

**REASON**

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**4 OM2 Levels**

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

**REASON**

To ensure that the development relates satisfactorily to adjoining properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**5 OM13 Demolition Protocols**

The applicant is to prepare a selective programme (or demolition protocol) to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed from the site safely and intact for later re-use or processing, which is to be submitted to the Local Planning Authority prior to the commencement of demolition work.

**REASON**

To establish an 'audit trail' for demolition materials based on an established Demolition Protocol which will encourage more effective resource management in demolition and new builds, in accordance with London Plan (February 2008) Policies 4A.30 and 4A.31.

**6 OM19 Construction Management Plan**

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) The phasing of development works
- (ii) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).

- (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
- (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vii) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

#### REASON

To safeguard the amenity of surrounding areas in accordance with Policy OE1 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

#### **7 M5 Means of Enclosure - details**

Before the development is commenced, details of boundary fencing or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be erected before the development is occupied and shall be permanently retained thereafter.

#### REASON

To safeguard privacy to adjoining properties in accordance with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **8 RPD1 No Additional Windows or Doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing 54 and 58 The Drive.

#### REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **9 RPD2 Obscured Glazing and Non-Opening Windows (a)**

The rooflights facing 58 The Drive shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

#### REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **10 RPD5 Restrictions on Erection of Extensions and Outbuildings**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension to any dwellinghouse(s) nor any garage(s), shed(s) or other outbuilding(s) shall be erected without the grant of further specific permission from

the Local Planning Authority.

#### REASON

So that the Local Planning Authority can ensure that any such development would not result in a significant loss of residential amenity in accordance with policy BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **11 RPD9 Enlargement to Houses - Roof Additions/Alterations**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no addition to or enlargement of the roof of any dwellinghouse shall be constructed.

#### REASON

To preserve the character and appearance of the development and protect the visual amenity of the area and to ensure that any additions to the roof are in accordance with policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **12 TL2 Trees to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority.

If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS 3998 (1989) 'Recommendations for Tree Work' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

#### REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and to comply with Section 197 of the Town and Country Planning Act 1990.

#### **13 TL3 Protection of trees during site clearance and development**

Prior to the commencement of any site clearance or construction work, detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected

in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres. The fencing shall be retained in position until development is completed. The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed.
4. No materials or waste shall be burnt; and.
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

#### REASON

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **14 TL5 Landscaping Scheme - (full apps where details are reserved)**

No development shall take place until a landscape scheme providing full details of hard and soft landscaping works has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The scheme shall include: -

- Planting plans (at not less than a scale of 1:100),
- Written specification of planting and cultivation works to be undertaken,
- Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate,
- Implementation programme.

The scheme shall also include details of the following: -

- Proposed finishing levels or contours,
- Means of enclosure,
- Car parking layouts,
- Other vehicle and pedestrian access and circulation areas,
- Hard surfacing materials proposed,
- Minor artefacts and structures (such as play equipment, furniture, refuse storage, signs, or lighting),
- Existing and proposed functional services above and below ground (e.g. drainage, power cables or communications equipment, indicating lines, manholes or associated structures),
- Retained historic landscape features and proposals for their restoration where relevant.

#### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **15 TL6 Landscaping Scheme - implementation**

All hard and soft landscaping shall be carried out in accordance with the approved landscaping scheme and shall be completed within the first planting and seeding seasons following the completion of the development or the occupation of the buildings, whichever is the earlier period.

The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'

and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which within a period of 5 years from the completion of development dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased shall be replaced in the same place in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to any variation.

#### REASON

To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

### **16 H7 Parking Arrangements (Residential)**

The parking areas (including where appropriate, the marking out of parking spaces) including any garages and car ports shown on the approved plans, shall be constructed, designated and allocated for the sole use of the occupants prior to the occupation of the development and thereafter be permanently retained and used for no other purpose.

#### REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

### **17 SUS4 Code for Sustainable Homes details**

No development shall take place until an initial design stage assessment by an accredited assessor for the Code for Sustainable Homes and an accompanying interim certificate stating that each dwelling has been designed to achieve level 3 of the Code has been submitted to, and approved in writing, by the local planning authority. No dwelling shall be occupied until it has been issued with a final Code certificate of compliance.

#### REASON

To ensure that the objectives of sustainable development identified in policies 4A.1 and 4A.3 of the London Plan (February 2008).

### **18 SUS5 Sustainable Urban Drainage**

No development shall take place on site until details of the incorporation of sustainable urban drainage have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed on site and thereafter permanently retained and maintained.

#### REASON

To ensure that surface water run off is handled as close to its source as possible in compliance with policy 4A.14 of the London Plan (February 2008) and to ensure the development does not increase the risk of flooding contrary to Policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and PPS25.

**19**      DIS5      **Design to Lifetime Homes Standards & Wheelchair Standards**

The proposed house hereby approved shall be built in accordance with 'Lifetime Homes' Standards as set out in the Council's Supplementary Planning Document 'Accessible Hillingdon'.

**REASON**

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (February 2008) Policies 3A.5, 3A.13, 3A.17 and 4B.5.

**20**      NONSC      **Non Standard Condition**

Prior to the commencement of works on site, a construction method statement for the basement shall be submitted to and approved in writing by the Local Planning Authority. This is to provide full details of the basement's construction, and the sequence of development on site, including excavation work, soil removal and storage, and how drainage issues will be dealt with on site. The scheme shall be implemented in strict accordance with the construction method statement.

**REASON**

To safeguard the amenity of surrounding properties and to ensure that surface water drainage of the site and groundwater is not impeded so that the development does not increase the risk of flooding in accordance with Policies OE1 and OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and PPS25.

**INFORMATIVES**

**1**      152      **Compulsory Informative (1)**

The decision to GRANT 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 GRANT 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
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.
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
LPP 4A.3	London Plan Policy 4A.3 - Sustainable design and construction
HDAS	Residential Layouts Accessible Hillingdon
LPP 3A.3	London Plan Policy 3A.3 - Maximising the potential of sites
LPP 3A.5	London Plan Policy 3A.5 - Housing Choice
LPP 3A.6	London Plan Policy 3A.6 - Quality of new housing provision
LPP 4A.1	London Plan Policy 4A.1 - Tackling climate change
LPP 4A.7	London Plan Policy 4A.7 - Renewable Energy
LPP 4A.14	London Plan Policy 4A.14 -
LPP 4B.1	London Plan Policy 4B.1 - Design principles for a compact city.
LPP 4B.3	London Plan Policy 4B.3 - Enhancing the quality of the public realm
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.
LP SPG	London Plan: Interim Housing Supplementary Planning Guidance, April 2010
OE1	Protection of the character and amenities of surrounding properties and the local area
PPS25	Development & Flood Risk

### **3            11            Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

### **4            13            Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

### **5            15            Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall;
- build on the boundary with a neighbouring property;
- in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements



with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

## **6            16            Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

## **7            115            Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -

A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

## **8            134            Building Regulations 'Access to and use of buildings'**

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination

Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from [www.opsi.gov.uk](http://www.opsi.gov.uk)
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from [www.drc-gb.org](http://www.drc-gb.org).
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from [www.drc-gb.org](http://www.drc-gb.org).
- Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from [www.drc-gb.org](http://www.drc-gb.org).

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

## **9**            145            **Discharge of Conditions**

Your attention is drawn to condition(s) 2, 4, 5, 6, 7, 13, 14, 17, 18 and 20 which must be discharged prior to the commencement of works. You will be in breach of planning control should you commence these works prior to the discharge of this/these condition(s). The Council may consider taking enforcement action to rectify the breach of condition(s). For further information and advice contact - Planning & Community Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250230).

## **10**            146            **Renewable Resources**

To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO<sub>2</sub>) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.

### **3. CONSIDERATIONS**

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

The site comprises a detached two storey dwelling, with a detached garage on the side boundary with No. 58, attached to the house by a car port canopy. The dwelling has also been extended to the rear with a single storey rear extension. There are a number of trees on and close to site, and although none of them are protected by TPO or conservation area designation, they do contribute to the overall character of the area.

Dwellings are located on either side of the application site, while the rear boundary abuts the garden of No. 2 Highfield Drive. It is noted that part of this garden adjoining the application site has full planning permission for the erection of a detached house.

The Drive and Highfield Drive are characterised by substantial detached houses of varying size and design on predominately large plots. The houses within The Drive have a variety of footprints but conform to a loose building line set well back from the road screened by hedges and low fences with generous driveways between.

The subject site lies within the 'developed area' as identified in the Hillingdon Unitary Development Plan (Saved Policies, September 2007).

### **3.2 Proposed Scheme**

The proposal is for the demolition of the existing house, garage and car port and the erection of a replacement two storey, six-bedroom house, with attached side garage, basement accommodation and rooms in the roof and associated parking in the front garden.

The proposed house would be 11.65m wide (15.2m including the single storey attached side garage) and 10.1m deep. A 4.05m wide, two storey front gable feature would project forward by 1m from the main front elevation of the house. A small crown roof is proposed, 5.7m high to eaves and 8.9m high to its ridge with two flat roofed rear dormers, 1.4m wide and 1.55m high. A basement is also proposed, extending the full width and depth of the house and garage, served by a 3.8m deep x 7.2m wide rear light well, with external stairs giving access to the rear garden.

The house would comprise a games room, cinema, wine store, WC and plant room in the basement, a kitchen/breakfast room, lounge, dining room, study, utility room and garage on the ground floor, 5 bedrooms (1 with en-suite) and bathroom on the first floor and a sixth bedroom with en-suite in the roof space. Two off-street car parking spaces are shown on the drive outside the garage.

The main differences between this scheme and the previously approved scheme (ref. 4496/APP/2009/1285) are as follows:

- \* The depth of the main house has increased by 1.25m from 8.85m to 10.1m,
- \* The overall height of the crown roof has increased by 0.3m to 8.9m,
- \* The single storey side garage has been set back from the rear elevation of the house,
- \* The depth of the rear lightwell has been increased from 3.3m to 3.8m which would result in an overall 1.75m further projection into the rear garden.
- \* An additional side rooflight facing No. 58 The Drive,
- \* Minor elevational alterations, including brickwork on the ground floor and quoins omitted from first floor.

### **3.3 Relevant Planning History**

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

A scheme for a replacement house (4496/APP/2008/2544) was initially refused on the 15th October 2008 due to: 1) the house being an obtrusive form of development that would be out of keeping with the general scale and character of other detached dwellings in the area, 2) overdevelopment of the site with excessive site coverage of buildings and hard surfaces, 3) overshadowing of and loss of light to the neighbouring property at No. 58 The Drive and would result in an overdominant/visually obtrusive development in

relation to the neighbouring properties, and 4) the dormer windows would represent a visually intrusive form of development detrimental to the appearance of the neighbouring properties and character and appearance of the street scene.

A subsequent revised application (4496/APP/2009/1285) for the erection of a two storey five bedroom house, with basement accommodation and habitable roofspace and associated parking spaces at the front, involving the demolition of the existing dwelling was considered to have overcome all the original reasons for refusal and was approved on 10th August 2009.

Also of relevance to the consideration of this application are two applications that relate to adjoining land at No. 2 Highfield Drive, namely:-

19210/APP/2006/1619 - Renewal of outline permission for a detached dwellinghouse - Approved 28th July 2006.

65653/APP/2009/1146 - Full planning application for a two storey six-bedroom house with habitable roofspace and associated parking and vehicular crossover, Approved 24th July 2009.

#### **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.

Part 2 Policies:

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- 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.
- AM14 New development and car parking standards.
- AM7 Consideration of traffic generated by proposed developments.

LPP 4A.3	London Plan Policy 4A.3 - Sustainable design and construction
HDAS	Residential Layouts Accessible Hillingdon
LPP 3A.3	London Plan Policy 3A.3 - Maximising the potential of sites
LPP 3A.5	London Plan Policy 3A.5 - Housing Choice
LPP 3A.6	London Plan Policy 3A.6 - Quality of new housing provision
LPP 4A.1	London Plan Policy 4A.1 - Tackling climate change
LPP 4A.7	London Plan Policy 4A.7 - Renewable Energy
LPP 4A.14	London Plan Policy 4A.14 -
LPP 4B.1	London Plan Policy 4B.1 - Design principles for a compact city.
LPP 4B.3	London Plan Policy 4B.3 - Enhancing the quality of the public realm
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.
LP SPG	London Plan: Interim Housing Supplementary Planning Guidance, April 2010
OE1	Protection of the character and amenities of surrounding properties and the local area
PPS25	Development & Flood Risk

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

Original Plans

15 neighbouring properties have been consulted. A petition with 22 signatories has been received, together with individual responses from 6 properties.

The petition states:

'We, the undersigned, fully support Mr & Mrs Alexander in their objective of ensuring that their wishes are heard and understood by the London Borough of Hillingdon's North Planning Committee, when considering the proposal, by voicing concerns, and asking the North Planning Committee to refuse the application.'

The individual responses raise the following concerns:

- (i) Area characterised by detached houses dating from the 1930s of considerable charm on spacious plots with significant gaps between them. This character is being eroded through redevelopment of existing houses and infill plots. Proposal contrary to PPS1, paragraph 34 as fails to improve the character and quality of the area;
- (ii) Proposed house is brash in appearance and inappropriate in its suburban context, representing overdevelopment (a 150sq m house is being replaced with a 485sq m property) with a minimum of garden space. Front elevation is very symmetrical with larger windows as compared to adjoining properties. Proposed house and garage would occupy 4m more of frontage than existing house,

leaving only 1.5m gaps to side boundaries. Massing of the house would appear more bulky and overbearing in street scene with apex of roof replaced with leading edge of the flat 'crown' roof. Replacement of detached with an integral garage would further increase cramped appearance of the site. Scale and massing of the development is out of keeping with area that has no other properties in this vicinity of a similar proportion or with a crown roof;

(iii) Paragraph 3.3 of the HDAS: 'Residential Layouts' advises that the redevelopment of more than 10% of the properties on a residential street is unlikely to be acceptable. The Drive is around 1km long, with many of the houses having been replaced, notably at Nos. 1, 3, 35, 39, 41. No. 10 has permission for redevelopment and Nos. 33, 43 and 56 have applied for redevelopment. Houses have also been built to the rear of Nos. 7 and 9. Great care needs to be taken when considering replacement housing schemes to ensure houses preserve area;

(iv) Proposed house would be to south of No. 58 and double the depth of building, with the integral garage extending 6m further back than the existing detached garage which aligns with the rear wall at No. 58. Combined with the long roof ridge and dormers, the proposal would have an unreasonably overbearing impact upon No. 58 and lead to a direct loss of sunlight from approximately midday onwards. Two photo montages have been submitted;

(v) Rear dormer windows will overlook adjoining rear gardens, bedrooms and living rooms;

(vi) The statutory distances/sightlines of 21.5m under the UDP are not being observed by the new application in relation to the approved plans for a new house at No. 2 Highfield Drive (65653/APP/2009/1146). Proposal will be overwhelming from new house;

(vii) Proposal will block view from neighbouring property;

(viii) The Drive has a number of springs running downhill towards the golf course. The proposed basement could interfere with water drainage;

(ix) Site plans for this and previous applications are inaccurate, confusing and materially incorrect. For instance, the outline of the existing dwelling on plans for the current application are incorrect and vary considerably from plans for the previous application;

(x) No topographic and/or tree survey has been submitted. The proposed house would damage the roots of a large pine tree on the side boundary;

(xi) Revised plans Rev. A of the 10/08/09 on previous application (2009/1285) were not amended correctly and not published on the website with appropriate scale drawings;

(xii) Plans on previous application (4496/APP/2009/1285) were amended on advice by officers to reduce depth of house by 2 metres. The applicant is ignoring this advice and now trying to achieve a more valuable permission by stealth;

(xiii) Design and Access Statement does not address what has changed on this application or provide any further information (eg. sunlight study). We believe Council's objection, based on damage to neighbours amenity should be maintained and current application refused;

(xiv) Applicant ignores condition 5 of previous permission which requires rear dormers to be re-designed. Flat roof dormers proposed do not satisfy design guidance and are sub-standard;

(xv) Proposal with basement would require considerable soil disturbance. Unduly large basement would impact upon the amenity of neighbours by adding considerably to the build time, vastly increasing noise and disturbance with digging equipment and earth would have to be removed by lorry. Basement close to boundary of No. 58 would undoubtedly cause disturbance and considerable worry;

(xvi) Although ownership is not a planning matter, most of the trees and shrubs on the boundary with No. 58 are not owned or under the control of the applicant. The area of shrubs and trees in the front garden on the boundary with No. 58 on plan 08/38/02c are in a sketchy manner and is misleading.

Ickenham Residents' Association:

The Association wishes to draw your attention to our previous two letters of objection - copies enclosed - in connection with applications 2008/2544 (letter dated 20/09/08) and 2009/1285 (letter 06/07/09), which in our opinion still contain valid comments.

The first thing to note is that, whilst 2009/1285 (a revised application) was approved, the revision was in relation to the depth of the building - see note A Aug 09 depth reduced on plan no. May 09 08/38/02.

The current application omits that comment and only states note B May 09 08/38/02 'Nov 09 Depth of House Revised' and C Jan 10 Trees Details Added, and it would appear to us that the previous revision, reducing the depth, has now been removed and put back to the situation before the last approved revision.

We are finding it extremely difficult to relate the location of the existing house (shown dotted) on the plans in relation to the neighbouring buildings, as it appears to us that it has moved back in the current application (2009/2765) to being in line with the rear building line of no. 54 from that shown in the previous approved revised application (2009/1285) being well set in from the rear building line of no. 54.

The outline of an existing building CANNOT possibly move! We would therefore ask to consider very carefully the accuracy of the drawing submitted.

The original approval (2009/1285) was for a smaller footprint. Now this current application goes back to the previously REFUSED (2008/2544) over-dominant footprint.

We would also ask you to check that the conditions in the recent approval regarding the dimensions of the rear dormers windows are adhered to. We have no way of assessing this point from the drawings.

The description of the current planning application states a detached garage in front, whereas the Design and Access Statement indicates:

Page 2, PROPOSAL, paragraph 2 detached garage

Page 2, PROPOSAL, paragraph 3 integral garage

Page 4, ACCESS, paragraph 1 integral garage.

The drawing shows an attached garage to the side. Having a door to the main house, this could be interpreted as integral, we guess. The Association is confused as to what type of garage is really proposed.

In view of all of the above and the difficulty we have had in interpreting the location of this proposal in relation to existing neighbouring premises we rely on your planning team's expertise to arrive at the correct conclusion.

The Association objects to this further application.

The Association of the Residents' of The Drive:

The proposed plans are considered to be overdevelopment of the site. The applicant was requested back in November 2009 to reduce the size of the property, on the original scheme ref (4496/APP/2009/1285). This was done and approved. This new application has gone back to the original scheme which blighted the neighbours properties. Drawing No. 08/38/02 revision c shows the existing property larger than it actually is. It shows the rear building in line with 54 which it is not. This can be demonstrated by the approved planning scheme 2009/1285, which clearly shows the existing property forward of 54 to the rear. The Association of The Drive at a committee meeting have voted against this proposal.

Ward Councillor:

The neighbours advise that the site plan submitted shows in particular the position of the rear existing property relative to the proposed dwelling house boundary in the incorrect position. May I request that this application be determined by committee. In addition, may I also request that the case officer visits the site to ensure that the submitted drawings truly reflect the developers intention, and that I receive feedback.

Amended Plan received on 29/10/10 (Rev. E)

15 neighbouring properties have been consulted. Individual responses from 2 properties has been received, making the following comments:

(i) The position of the neighbouring properties has changed yet again from the previous amendments on drawings designated B, C and D. The first application which was approved (drawing designated A) also had significant discrepancies in the position of the neighbouring properties, particularly No. 58. It has become very frustrating to judge where the proposed development starts and ends.

(ii) On previous application, a topographic survey was required as a condition of the planning approval. This is far from ideal as once a decision has been made, if any discrepancies are found, it would be difficult for the Council to do anything. The Council insisted on a topographical survey at No. 2 Highfield Drive before permission was granted. Given background, it would seem reasonable to ask for a topographical survey before a decision is made, also showing previously approved scheme;

(iii) No. 56 is coming up for auction on the 8/12/10;

(iv) As adjoining resident, have not been notified of latest plans.

Ickenham Residents' Association:

With reference to your email notification on 09/11/10, the Association expected to download the amended proposals from the LBH website in the usual way from your weekly list of new/amended applications, but to no avail. On checking today, we established from the application details on the LBH website that

- one amended proposed floor plan had been recorded on 18/08/10 (no official notification received),
- one amended proposed floor plan had been received on 29/10/10 (notification 09/11/10).

Looking at the different floor plans submitted, originally proposed and amended, the outline of no. 54 in relation to the proposed dwelling at no. 56 seems to be moving all the time and we repeat our doubts at the accuracy of these drawings and the importance that your planning team pays special attention to this.

We would also ask you to carefully scrutinise the footprint of the submitted drawings against the ones for 2008/2544 refused on 15/10/08.

We again attach our previous letters of objection plus a pdf file with all proposed floor plans submitted so far.

In view of all the above and the difficulty in interpreting the location of this proposal in relation to neighbours either side we have to rely on your planning team's expertise to arrive at the correct conclusion.

The current situation in relation to this vagueness as to the exact siting leaves us no option but to object, as previously.



## **Internal Consultees**

Urban Design/Conservation Officer:

Having considered the current scheme, it is very similar to that previously approved. There are, however, some minor changes that are improvements in design terms ie smaller dormers and a reduced area of crown roof. There are, therefore, no objections to the current proposal.

Trees and Landscape Officer:

Original Comments:

This site is not covered by a TPO, or inside a Conservation Area. There are no trees/shrubs of merit on this site, however the applicant is proposing to retain some of the existing vegetation, and the plans indicate that new vegetation is to be planted. Therefore, subject to conditions TL1, TL2, TL3, TL5, and TL6, this scheme is considered acceptable in terms of the Saved Policy BE38 of the UDP.

Revised Comments:

Further to our discussion last week, I re-visited the site to re-inspect the Lawson cypress, which is in the rear garden of 58 The Drive and borders 56.

The Cypress is in poor condition, is in decline, is a low value tree and is not a constraint in terms of the Saved Policy BE38.

The applicant has a common law right to cut back the branches/roots to the boundary line and this will have little impact on the tree's health or visual amenity. If there are concerns for the tree's well-being, it would be quite straight forward to protect the tree during construction by erecting fencing around the root protection area (RPA) of the tree. Ground protection could also be used. The tree's stem is approximately 300 mm in diameter and, therefore, the radius of the RPA will measure about 3.5m from the centre of the stem.

If protection for the tree is required, the measures outlined above should be shown on the plans.

With regards to landscaping, the plans show that some of the existing vegetation is to be retained, and that new soft landscaping is to be added. The scheme appears to conform to HDAS guidelines (to ensure that 25% of the front garden remains soft landscaped). Further details of species to be used, and materials to be used for car parking area, should be provided, which can be dealt with by condition.

Therefore, subject to conditions TL2, TL3, TL5 (including details of hardstanding driveway to conform to SUDS) and TL6, this scheme is considered acceptable in terms of the Saved Policy BE38 of the UDP.

Education Services:

There would be no requirement for an education contribution from the replacement house as the child yields cancel each other out.

## **7. MAIN PLANNING ISSUES**

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

This is an established residential area where there would be no objection in principle to the erection of a replacement dwelling, providing at least a similar level of residential

accommodation were to be provided and subject to other relevant policies in the saved UDP and design considerations.

Additional guidance on development in rear gardens and the interpretation of related policies has recently been published and is a material consideration in assessing the principle of this development.

Key changes in the policy context include 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."

Notably, revised Planning Policy Statement 3: Housing, was published in June 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 key policy considerations are discussed in greater detail within the relevant sections

of this report. However, in this instance, the proposal is for a replacement dwelling that would not significantly take up more of the garden space on this plot and it is therefore considered that an objection in principle could not be raised to the proposal based upon the new guidance.

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

The London Plan seeks to maximise the efficient use of land, whilst having regard to the character of the area and the restraints to development imposed by the availability of public transport. The proposal represents a density of 13.9 units per hectare (u/ha) and 181 habitable rooms per hectare (hr/ha) which is below the unit density range advocated by Table 3A.2 of the London Plan for suburban areas with a PTAL score of 1a (35 - 55 u/ha and 150 - 200 hr/ha). However, it is considered that given the spacious character of The Drive, the low unit density of the proposal would not justify a reason for refusal.

#### **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 character and appearance of the area, the currently proposed scheme does not differ significantly from the previously approved scheme (4496/APP/2009/1285), the main changes being the increase in depth of the main house by 1.25m to 10.1m, the increase in the overall height of the crown roof by 0.3m, the increase in the depth of the rear lightwell from 3.3m to 3.8m and the revised elevational alterations, now including brickwork on the ground floor and quoins being omitted from the first floor.

It was previously considered that the character of this part of The Drive is derived from large detached houses of varying scale, proportion and design which are set well back on their substantial plots to provide a spacious open character with informal front garden areas. This proposal would have a siting similar to that of the existing house so that the existing front garden area and the general informal front building line would be maintained. The two storey house would be sited 1.5m from the side boundary with No. 54 and 5.1m from the side boundary with No. 58, with the attached single storey garage being sited 1.5m from this site boundary, in accordance with policy BE22 of the saved UDP.

Although the overall scale and width of the proposed new house would be larger than the existing dwelling, the proposal would not appear unduly out of keeping with its surroundings. The proposal would introduce a more formal symmetrical design, but this is not unattractive in its own right and given the varied scale, proportion and design of properties on The Drive, it would not appear as being unduly out of character with the area.

The height of the new house would be approximately 900mm higher than the existing building and 300mm higher than the previously approved crown roof. It was previously considered that given the detached nature of the house and in the context of the large plots, the increase in roof height would not appear unduly discordant. This assessment remains the same, even with a further 300mm increase. Furthermore, it was previously considered that the flat roof element of the crown roof was not extensive, so that the

general impression was of a more traditional roof. This scheme has a similar extent of flat roof, whilst the extent of pitched roof has been increased.

With respect to the rear dormers, the Council's HDAS Design Guide: Residential Layouts does not deal with these features. However, although not strictly relevant to new build, paragraph 7.8 of the Council's HDAS (SPD) Residential Extensions states that rear dormers are acceptable, provided they are set-in 1m from the roof margins on larger properties. The proposed rear dormers would be set in 800mm from the roof ridge, 700mm from the eaves and 400mm from the sides of the roof. Although they are not fully compliant with design guidance for extensions, the dormers are sufficiently small scale and have been designed to appear subordinate within the main roof.

Changes to the elevational detail of the house are not extensive and no objections are raised.

The proposal, as previously, does involve the creation of a basement floor, but this would not be seen from the road, with only a rear lightwell suggesting its presence.

The Council's Urban Design Officer does not raise any objections to the proposed scheme.

The proposal is therefore considered to comply with Policies BE13 and BE19 of the Hillingdon Unitary Development Plan, Saved Policies (September 2007).

#### **7.08 Impact on neighbours**

The adjoining property to the south, No. 54 The Drive has been extended with a two storey side and rear extension which does not contain any side windows facing the application site. The rear elevation of the proposed house would not project beyond the extended two storey rear elevation of No. 54. It would however project forward of the adjoining front elevation of No. 54 by approximately 2.0m, set back 1.5m from the side boundary. With such a relationship, the proposed house would not breach a 45° line of sight from the nearest adjoining first floor windows in the front elevation of this property (the nearest ground floor opening being an integral garage door). As such, there would be no adverse impact upon this property by reason of dominance or loss of sunlight.

As regards No. 58, the proposed house would project by approximately 6.3m beyond the nearest part of the rear elevation of No. 58 The Drive, attached to which at this point is an attached open canopy structure. The proposed two storey house would be set back some 5.1m from the side boundary and No. 58 itself is over 2m from this boundary. In such a relationship, the proposed two storey house would not breach a 45° line of sight taken from the nearest ground floor window in the rear elevation of No. 58 which serves a lounge and it is considered that the house would not appear unduly dominant. Furthermore, the house would largely be viewed against the backdrop of the extended side elevation of No. 54 which would project a further 2.2m into the rear garden as compared to this proposal. The proposed attached garage would be sited closer to the side boundary of No. 58, but with an eaves height of 2.3m, and set back 1.5m from the boundary, only its pitched roof would be visible above the boundary fencing (this compares to the originally refused scheme (4496/APP/2008/2544) which had a first floor above the garage). No. 58 also has two ground floor side windows which face the application site, but as these are small secondary windows to the lounge, which is also dual aspect with large front and rear windows, any impact upon these windows would not be significant. This scheme does not breach the 45° line of sight taken from the front lounge window. Also, a sun on the ground diagram demonstrates that the proposal would

not overshadow the house itself, with only a small increase in the area of side/rear garden being overshadowed from midday onwards as compared to the overshadowing resulting from the existing house.

The first floor and rooflight windows facing No. 54 would only face a blank side wall and the two rooflight windows facing No. 58 serve non-habitable rooms and have been conditioned to be obscure glazed and non-opening 1.8m above finished floor height so as to safeguard the privacy of neighbouring properties.

In terms of the proposed new house on an adjoining plot of land at No. 2 Highfield Drive (Ref. 65653/APP/2009/1146), as full planning permission has now been granted, it is a material consideration in the determination of this scheme. The house at its nearest point would be sited approximately 15.5m from the new proposed rear elevation of No. 56 and the nearest part of its main rear elevation would be sited approximately 18m away. As part of the planning permission for this house, the first floor side windows facing No. 56 have been conditioned to be obscure glazed and the ground floor windows would be sited sufficiently close to the side boundary so that any overlooking would be prevented by the boundary fencing. The rear facing windows would look down the garden and although the nearest ground floor kitchen and first floor bedroom windows would be within 21m of the rear elevation of the proposed house, the windows would be at near right angles to the proposed house so that they would afford adequate privacy to the rooms they would serve. Although an area of the rear patio would be overlooked within a 21m distance, the area affected is relatively small, equating to the 5m width abutting the side boundary which would have the greatest benefit from the screening afforded by the boundary fencing and landscaping, leaving the remaining 13m width of the rear garden more than 21m from the rear elevation of the new house. Furthermore, it is considered that the potential for overlooking by the proposed development is not significantly greater than that which would be experienced from the existing house as to justify a reason for refusal on this ground as the main rear elevation of the proposed house would only move approximately 2.7m further to the rear. As such, it is considered that the scheme accords with policies BE20, BE21 and BE24 of the adopted 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, five+ bedroom, two storey houses should have a minimum internal floor area of 101m<sup>2</sup>, increasing to 108m<sup>2</sup> for three storey properties. The house, including the basement, would have a floor area in excess of 400m<sup>2</sup>. Furthermore, it is considered that all the proposed habitable rooms would have adequate outlook and natural lighting.

Guidance also stipulates that new houses should also satisfy minimum amenity space standards and for five+ bedroom houses, at least 100m<sup>2</sup> should be provided. In this instance, excluding the 7.2m x 3.2m deep light well, the proposal would retain a rear garden area of 306m<sup>2</sup>.

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

The proposal would utilise the existing vehicular crossover and provide a car parking space within the proposed garage and at least two spaces on the drive. The proposal replicates the existing parking arrangements made on site and no objections are raised in terms of Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

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

These issues have been discussed in Section 7.

#### **7.12 Disabled access**

The proposed dwelling is of a sufficient size, internally to ensure that it could easily meet lifetime homes standards. As such it is recommended that a condition is attached requiring this.

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

Not applicable to this application.

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

Policy BE38 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) advises that topographical and landscape features of merit should be retained and utilised and new planting and landscaping should be provided where appropriate.

The Council's Tree Officer advises that there are no landscape features of merit on the site that would constrain the proposed development and the scheme is acceptable, subject to landscape conditions.

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

Not applicable to this application.

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

The proposal does ensure that all the habitable rooms would be well served by natural daylight. A condition has been attached to ensure that the development satisfies Level 3 of the Code for Sustainable Homes.

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

This application does not fall within a flood risk area. The submission of a suitable sustainable urban drainage system has been controlled by condition.

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

Not applicable to this application.

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

Original Plans

As regards the points raised by individuals, points (i), (ii), (iv), (v), (vi), (vii), (xiii) and (xiv) have been dealt with in the main report. Point (xvi) is noted. In terms of point (iii), paragraph 3.3 of the Residential Layout Design Guide refers to flattened redevelopment. It is therefore not applicable in this case. As regards point (viii), any impact of the basement upon drainage would be a building control matter. As regards point (ix), a number of amended plans have been submitted and assessed for their accuracy on site. The latest plan (08/38/02 Rev. E) is considered to be sufficiently accurate. As regards a topographic and/or tree survey (point (x)), this is normally only required when there are landscape features of merit on site and in this case, the Tree Officer advises that there are none. To ask for a topographic and/or tree survey to be submitted at this stage would be contrary to normal practice. Point (xi) concerning amended plans on previous application is noted. As regards point (xii), this is noted but it should not be assumed that just because an officer request is made for amended plans, if the scheme is not amended that it is unacceptable. Point (xv) concerning increase in build time with basement and additional inconvenience is not a material planning consideration.

Amended Plans

As regards Point (i), the position of the adjoining houses has changed on Rev. E as they were not shown sufficiently accurately on the earlier versions of the plan. Point (ii) is dealt

with at Point (x) above. As regards point (iii), the sale of the house is noted but not material and as regards point (iv) all the surrounding properties consulted on the original application, including this consultee, were re-consulted on the latest revised plan.

#### **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.

The scale of this scheme would only generate a possible contribution towards education space and in this instance, Education Services advise that the child yield from the proposal would be cancelled by that of the existing house so that there would be no requirement for a contribution in this case.

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

There are no enforcement issues on this site.

#### **7.22 Other Issues**

There are no other relevant planning issues 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**

Not applicable to this application.

## 10. **CONCLUSION**

The replacement house is acceptable in terms of its impacts upon the street scene and the character and appearance of the area. It is also considered that the impact of the proposed house on the amenities of surrounding occupiers, including those that would be afforded to the occupiers of a new house which has permission but has yet to be built to the rear of the application site in the side garden of No. 2 Highfield Drive, would be acceptable. The application is recommended for approval.

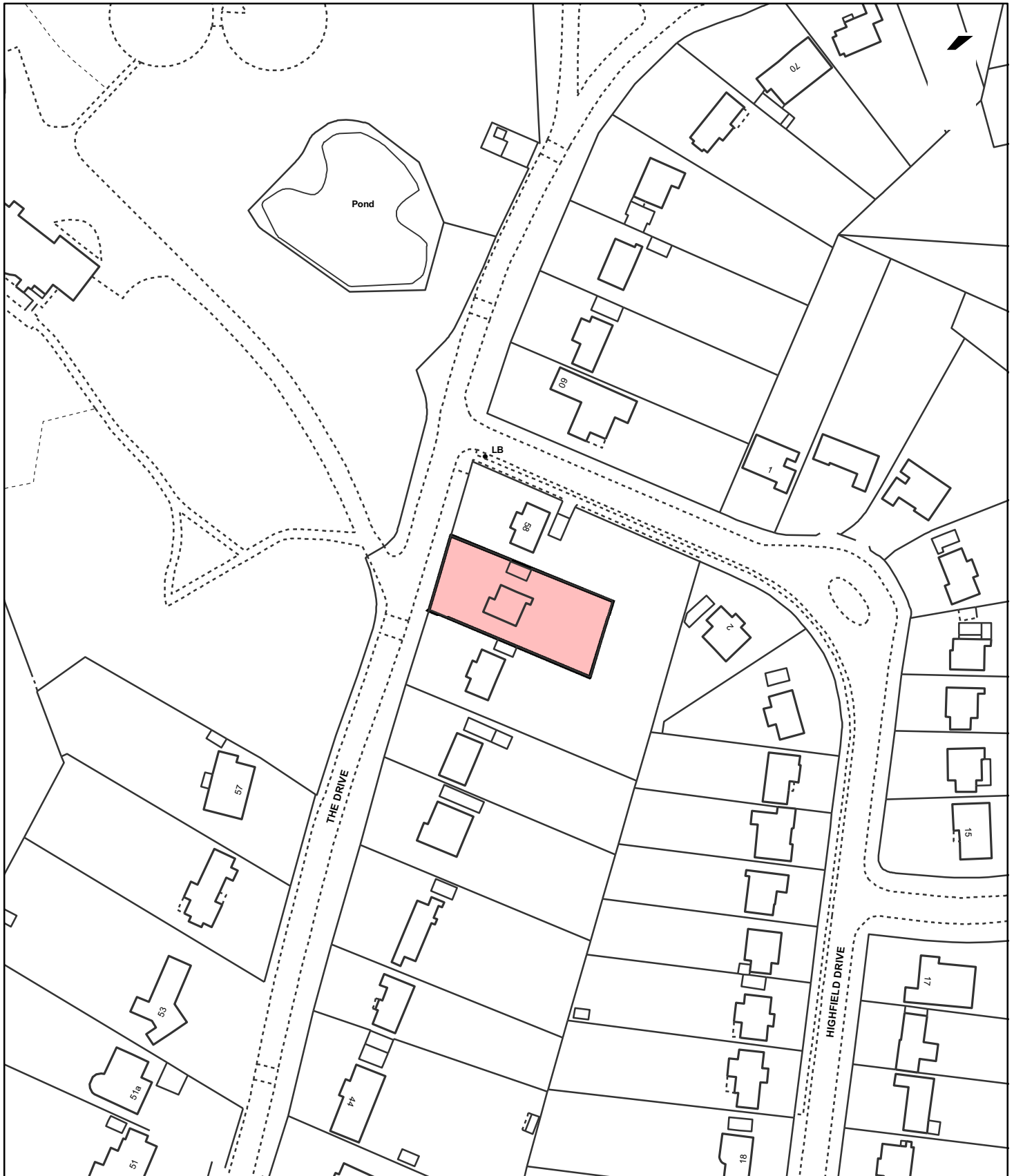
## 11. **Reference Documents**


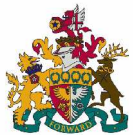
Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007)  
London Plan (February 2008)  
HDAS: Residential Layouts  
HDAS: Accessible Hillingdon  
Council's Adopted Car Parking Standards (Annex 1, Hillingdon Unitary  
Development Plan, Saved Policies, September 2007)  
Consultation responses

**Contact Officer:** Richard Phillips

**Telephone No:** 01895 250230





<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>56 The Drive, Ickenham</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>4496/APP/2009/2765</b></p>	<p>Scale</p> <p style="text-align: center;"><b>1:1,250</b></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>	
		 <b>HILLINGDON</b> <small>LONDON</small>	