

Report of the Head of Planning & Enforcement Services

Address LAND FORMING PART OF 26A WINDMILL HILL RUISLIP

Development: Two storey 3 x bed detached dwelling with associated parking and amenity space and installation of vehicular crossover to front of No 26a

LBH Ref Nos: 67242/APP/2011/145

Drawing Nos: 2 - Proposed Layout Plan
Photographs
1:1250 Site Location Plan
Design & Access Statement
3 - Proposed Elevations & Floor Plans
Photographs
Pre development Tree Survey
2a - Proposed Parking Layout for no 26a
1 - Existing Layout Plan

Date Plans Received: 24/01/2011 **Date(s) of Amendment(s):** 24/01/2011

Date Application Valid: 21/02/2011 15/02/2011
21/02/2011

1. SUMMARY

Planning Policy Statement (PPS) 3:Housing (Nov 2006), Paragraph 13, states that Design which is inappropriate in its context, or fails to take the opportunity available for improving the character and quality of an area and the way it functions should not be accepted.

The proposal is for a two storey detached house that would be set adjacent the existing property No 26 Windmill Hill. In design terms, the development would appear as a standalone property, however, due to its siting and proximity, it is considered the proposal would result in a development which would appear cramped and out of context in relation to the surrounding design and pattern of existing residential development, resulting in a detrimental impact on the visual amenities of the wider area. Furthermore, due to the inadequate separation distances shown and the lack of ground floor WC facilities, the lack of outlook afforded to bedroom No 3, the proposal is not considered to provide satisfactory amenities for future occupiers of that property. In addition, due to the inconsistent drawings and lack of information provided, it is considered the application has failed to demonstrate that the development will safeguard the protected ash tree and other trees situated close by.

The development is estimated to give rise to children of primary, secondary and 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 and 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).

It is therefore considered the proposal would represent an over development of the site to the detriment of the protected Ash tree, the visual amenities of the street scene and the wider area. As such, the proposal is considered contrary to; adopted Policies in the

Hillingdon Unitary Development Plan Saved Policies (September 2007); advice contained the HDAS Supplementary Planning Document: Residential Layouts and Extensions; the Council's Accessible Hillingdon SPD January 2010; and the London Plan (2008).

The application is recommended for REFUSAL

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 proposal is therefore detrimental to the visual amenity of the surrounding area contrary to Policies BE13, BE19 and OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3A.3, 4B.1 and 4B.8 of the London Plan (Consolidated with Alterations since 2004), Planning Policy Statement 3: Housing (June 2010), and guidance with The London Plan: Interim Housing Supplementary Planning Guidance (April 2010).

2 NON2 Non Standard reason for refusal

The proposal by reason of the size, bulk, design, siting and site coverage would result in a form of development which would be unduly 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, BE19, and BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's HDAS (SPD) Residential Layouts .

3 NON2 Non Standard reason for refusal

The proposed development by reason of its siting and proximity to the adjacent properties at Nos. 26a Windmill Hill and 33 West Hatch Manor, would result in a form of development which would not provide satisfactory amenities for future occupiers, in that there would be unacceptable overlooking of the private amenity space for the new dwelling. The proposal is therefore contrary to Policies BE23 and BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the HDAS Supplementary Planning Document: Residential Layouts, July 2006.

4 NON2 Non Standard reason for refusal

Due to the lack of WC facilities provided at ground floor level the proposal would fail to comply with lifetime homes standards and is therefore contrary to the Council's Supplementary Planning Document: Accessible Hillingdon (January 2010), and to Policies 3A.5, 4B.3 and 4B.5 of the London Plan (February 2008).

5 NON2 Non Standard reason for refusal

The proposal, due to the lack of outlook afforded to bedroom No. 3, is considered to result in an oppressive environment to that room. As such the proposal would fail to provide a satisfactory residential environment for future occupiers, contrary to advice contained within the Council's Supplementary Planning Document HDAS Residential Layouts, and to Policies 4B.3 of the London Plan (2008).

6 NON2 Non Standard reason for refusal

In the absence of an arboricultural method statement and tree protection plan in accordance with BS5827: 2005, the application has failed to demonstrate that the development will safeguard the protected Ash tree (which due to inaccuracies in the submitted plans would be approximately 1m closer to the proposed building) and other trees situated close by, and further fails to demonstrate protection for long-term retention of these trees. The proposal is therefore contrary to Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7 NON2 Non Standard reason for refusal

The development is estimated to give rise to children of primary, secondary and 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 and educational facilities serving the area. Given a legal agreement at this stage has not been offered or secured, the proposal is considered contrary to Policy R17 of the Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

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

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.
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	'Residential Developments'
LPP 3A.5	London Plan Policy 3A.5 - Housing Choice

LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 4B.1	London Plan Policy 4B.1 - Design principles for a compact city.
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.

3

It appears there are a number of inaccuracies with the submitted plans, which are outlined as follows -

- The depth of the proposed dwelling shown on the site layout plan is 8m, whereas the floor plans show a depth of 9.2m.
- The garage projection is shown at 2m on the floor plans and on the east elevation it is 2.4m.
- The inset front entrance area is shown as 1.5m wide on the floor plans whereas on the North Elevation it is shown at 1.2m.
- The bay window is shown as 3.7m wide on the floor plans and is set 0.8m away from the front door, whereas the North Elevation is shown at 4m wide and is shown abutting the inset doorway detail.

The onus is on the applicant to provide full and accurate details in order that the proposal can be properly assessed. Any further applications should address this issue.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the western side of Windmill Hill, some 25m to the north of its junction with West Hatch Manor, at a point where the road divides to form a central grassed island which acts as an elongated roundabout at the junction of Windmill Hill with West Hatch Manor and Old Hatch Manor Roads. The site currently forms approximately 20m depth of the rearmost part of the garden to 26a Windmill Hill and contains a detached garage. No. 26a Windmill Hill is a detached gable end house with low side eaves with half dormer windows. This is an established residential area which predominantly comprises similar detached properties of varying design. The site is located towards the top of a hill which does allow views out between the buildings towards the surrounding areas. This and neighbouring gardens contain a number of trees, one of which, an Ash on the boundary of the adjoining rear garden at No 33 West Hatch Manor is protected by Tree Preservation Order No 678.

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

3.2 Proposed Scheme

The application seeks planning permission to erect a two storey, 3-bedroom detached dwelling with a hipped roof in the rear garden area of 26a Windmill Hill Drive and set adjacent to No 26 Windmill Hill Drive.

It appears there are a number of inaccuracies with the submitted plans, which are outlined as follows -

- The depth of the proposed dwelling shown on the site layout plan is 8m, whereas the floor plans show a depth of 9.2m.
- The width of the dwelling is 9.8m on the layout plan, this is shown as the same on the floor plans.

- The garage projection is shown at 2m on the floor plans and on the east elevation it is 2.4m.
- The inset front entrance area is shown as 1.5m wide on the floor plans whereas on the North Elevation it is shown at 1.2m.
- The bay window is shown as 3.7m wide on the floor plans and is set 0.8m away from the front door, whereas the North Elevation is shown at 4m wide and is shown abutting the inset doorway detail.

3.3 Relevant Planning History

Comment on Relevant Planning History

Application 41245/A/89/1934, granted in April 1990, relates to an infill property (in the form of a chalet bungalow), known as 28a Windmill Hill. As such, this was granted and constructed before currently adopted guidance and the length of the plot was longer than that of the current application.

4. Planning Policies and Standards

Supplementary Planning Guidance: Educational Facilities

Planning Policy Statement 3: Housing (June 2010)

The London Plan: Interim Housing Supplementary Planning Guidance (April 2010).

The London Plan Policy 3A.4 - Accessible Developments

The London Plan Policy 4B.3 - Residential Densities

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

- | | |
|----------|---|
| 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. |
| R17 | Use of planning obligations to supplement the provision of recreation, leisure and community facilities |
| AM7 | Consideration of traffic generated by proposed developments. |
| AM14 | New development and car parking standards. |
| HDAS | 'Residential Developments' |
| LPP 3A.5 | London Plan Policy 3A.5 - Housing Choice |
| LPP 4A.3 | London Plan Policy 4A.3 - Sustainable Design and Construction. |
| LPP 4B.1 | London Plan Policy 4B.1 - Design principles for a compact city. |
| LPP 4B.5 | London Plan Policy 4B.5 - Creating an inclusive environment. |

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Cllr Catherine Dann - I support the objectors and ask that their comments are taken into account when the report is written and when making the decision.

9 neighbours and interested parties were consulted, 4 individual responses have been received and a petition of 23 signatures have been received, that made the following comments;

1. The TPO tree in our garden is not represented correctly on the plans, either in size or position. The crown is bigger than as shown. Nothing should be allowed to endanger its present condition or appearance.

2. The proposal would result in overdevelopment of the site.

3. The building would not be in line with the rear of 26 Windmill Hill, which has already been developed to the maximum allowed by the Borough. The building line of 26a Windmill Hill cannot be used as it runs in line with West Hatch Manor.

4. Highways - The integral garage protrudes more on the elevations than the floor plans - this would have an impact on the remaining area for parking. Due to existing highway conditions, any development should require vehicles to enter and exit the site in a forward gear - it is difficult to see how this could be achieved.

5. Windows - The proposed arrangement for bedroom 3 is unacceptable and if approved - a condition should be applied to prevent additional windows being placed in either the south or west elevations.

6. The dwelling would be out of character with the existing dwellings and wider street scene.

7. Back garden development would set an undesirable precedent.

8. The plans are inaccurate.

9. Three parking spaces are shown in addition to the garage, making a total of four, there does not seem space on the site for this.

10. The development entails piling in an area prone to subsidence with the structural risk to adjacent properties which is unacceptable.

11. The applicant has recently extended No. 26 and it now looks completely out of character with the rest of the street.

12. Building on the site would result in complete mayhem on this busy area.

13. He is only interested in profit. No 26 still lies empty after renovation, he will probably do the same with this site.

Thames Water -

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

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to

the existing sewerage system.

Water Comments - With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Internal Consultees

Tree/Landscape Officer - The site is adjacent to TPO 678.

Significant trees / other vegetation of merit in terms of Saved Policy BE38 (on-site)?: There is a Silver Birch close to the boundary with 33 West Hatch Manor, however it is a low value tree (dying back and affected by ivy) and does not constrain the development.

Significant trees / other vegetation of merit in terms of Saved Policy BE38 (off-site)?: There is a large Ash (protected by TPO 678), a small Lawson Cypress and a Horse Chestnut adjacent to the site (and very close to the proposed dwelling). The Ash is a high value tree and significantly contributes to the arboreal character of the area; there is a high risk that its roots and overhanging branches will be damaged by construction-related activity. The submitted tree report recognises the high amenity value of the protected Ash, however it does not provide a specific method statement / tree protection plan that makes provision for its protection and long-term retention.

Scope for new planting?: A landscaping scheme showing new planting should be submitted to support the application.

Does scheme conform to HDAS?: In total, it appears that three extra (on-site) parking spaces are proposed as part of the scheme (one added to the existing dwelling, and two to the proposed dwelling). It is not clear from the layout plans whether or not the scheme will conform to HDAS (at least 25% of the front gardens to be soft landscaped).

Does scheme conform to SUDS?: It is not clear which materials are to be used for the parking areas. All proposed materials must comply with SUDS.

Recommendations:

- A specific arboricultural method statement (AMS) and tree protection plan (in accordance with BS 5827:2005), should be provided to show how the scheme will make provision for the protection and long-term retention of the protected Ash tree (and other trees situated close by). The AMS should detail how the roots and the crown (overhanging branches) of the tree/s will be protected during development.
- After advice has been sought from a structural engineer (part 6.4 of the tree report), specific details of the proposed dwelling's foundations should also be provided.
- A landscaping scheme should be submitted to show soft landscaping / new planting; and also how the scheme conforms to HDAS and SUDS guidelines

Conclusion (in terms of Saved Policy BE38): Not acceptable because the scheme does not make provision for the protection and long-term retention of the protected Ash tree close to the site, nor provision for landscaping.

Please re-consult on receipt of the requested information (however please note, if this information is provided, it may still be that the scheme remains unacceptable in tree terms).

Highway Engineer; No comments received

Director of Education; a contribution of £10,885 towards education provision in the Eastcote and East Ruislip ward would be sought.

Waste strategy Section; I would make the following comments on the above application regarding waste management. The plan does not appear to show that a space has been allocated for the storage of waste. However, 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 designated as a Developed Area within the Hillingdon Unitary Development Plan Saved Policies (September 2007). Residential activities are considered appropriate within Developed Areas and thus the principle of residential development is acceptable, subject to compliance with the policies within the Unitary Development Saved Policies September 2007, The London Plan (2008) and national policies.

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 same.

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.

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

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 rear garden area to provide a 2-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. This part of Windmill Hill is on high ground, and the adjoining grassed roundabout and layout and undeveloped gaps between the houses gives the area an open and spacious character. The undeveloped gaps allow long distance views through to outlying areas, allowing trees and shrubs to be glimpsed in the rear gardens of surrounding properties. The new house would add to the built up appearance of this part of Windmill Hill, closing an existing gap and restricting views, which would be detrimental to the open character of this part of Windmill Hill. The new house would also be likely to threaten a protected Ash tree (discussed below). It is therefore considered that the scheme would be detrimental to the contribution that the rear garden and adjoining trees make in terms of the local context and character of the area.

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 3 should be within the ranges of 35-65 u/ha and 150-200 hr/ha. The proposed density for the site would be approximately 238 habitable rooms per hectare (hrpha), which is above the suggested London Plan thresholds. Therefore, it is considered a cramped environment would result, failing to comply with the intentions of Policy 4B.3 of the London Plan (2008).

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

Not applicable - the application does not affect any of these designations

7.04 Airport safeguarding

Not applicable the site is not within an airport safeguarding area.

7.05 Impact on the green belt

Not applicable the site is not within or adjacent to the Green Belt.

7.06 Environmental Impact

Not applicable

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 following important considerations; the quality of the housing layout and design, its compatibility with the density, form and spacing of surrounding development and the location configuration and characteristics of the site.

The area generally comprises a mix of houses and bungalows. With regard to the layout, the house would be set back from the front building line of the adjoining properties to the north, to provide a staggered relationship with the side elevation of No 26a Windmill Hill. The development would maintain an adequate gap to the side boundary so as to prevent a terracing effect, thereby complying with Policy BE22 of the UDP Saved Policies (September 2007). However, the SPD; Residential Layouts (2006), Section 5.11 states the form and type of development should be largely determined by its townscape context, and that it should relate to the scale and form of their surroundings. It is considered, this proposal relates to a two storey development, that would fill an existing open vista in the otherwise built up area, furthermore, the design of the proposal with the shallow roof pitch, projecting single storey flat roof element to the front and awkward fenestration arrangement, would fail to make any reference to its surroundings, appearing out of context in relation to the same.

Consequently, it is considered that the development would have an adverse impact on the local distinctiveness of the area in terms of design, 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 in relation to loss of light, outlook, or over-domination to the adjoining occupiers, Sections 4.9 of the SPD: New Residential Layouts, in relation to new dwellings, states all residential developments and amenity space should receive adequate daylight and sunlight, including habitable rooms and kitchens. The

daylight and sunlight available to adjoining properties should be adequately protected. Where a two or more storey building abuts a property or its garden, adequate distance should be maintained to overcome possible over-domination, and 15m will be the minimum acceptable distance. The application would comply with this advice as there would be no properties situated directly to the rear of the proposal, and whilst the development would be situated to the rear of No. 26a, a distance of 15m between two storey development would be maintained.

It is considered that the proposal would not cause an unacceptable loss of light or outlook to adjoining occupiers. The proposed two storey dwelling would be sited on the north side of No 26a and due to the separation distances involved, would be at such a distance that there would be no adverse impact to this property. With regard to No. 26, the proposal would be sited on the south side of this property, and set 2.5m away from the shared boundary. However, this property (No 26) has been substantially extended and therefore the rear building line of this new dwelling would not compromise a 45 degree line of site taken from the rear windows of this property. With regard to any shadow that would be cast by the proposal, whilst some shadow would be cast on this neighbouring properties rear garden (No 26), in the morning time, this would pass by midday and due to the minimal areas that would be affected it is not considered enough to warrant the refusal of planning permission on these grounds alone. The proposal therefore would accord with policies BE20, and BE21 of the UDP Saved Policies (September 2007).

With regard to any loss of privacy resulting from this proposal, there would be no windows in the flank walls of the development and in relation to the rear elevation there would be no first floor windows that would provide vantage. Any possible loss of privacy by the ground floor rear facing windows could be dealt with by a screen fence condition and therefore, subject to appropriate safeguarding conditions it is not considered a material loss of privacy would arise. Therefore the proposal is considered to 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 over 110m². The SPD states the minimum amount of floor space required for a 3-bedroom, two storey house would be 81m² and therefore the proposal would comply with this advice.

With regard to the size of the garden, the SDP: Residential Layouts: Section 4.15 states that a 3 bed house should have a minimum garden space of 60m². The proposal would result in areas of approximately 85m² left for the existing property and 90m² for the proposed dwelling. However, it is noted, due to the inaccuracies in the submitted plans, the footprint would be an additional 1m further back (than as shown on the layout plan) and therefore the main garden area for the new dwelling would be situated to the side of the property. Section 4.16, sub paragraph 2, states, areas that are closely overlooked by habitable rooms of adjoining properties will not be included in the calculation of private useable garden space, as would be the case in this instance by the existing properties at 26a Windmill Hill and 33 West Hatch Manor overlooking the proposed dwellings amenity area, and due to the two storey nature of these existing developments, a screening condition would not overcome this issue. As such the proposal would not comply with Policy BE23 of the UDP Saved Policies (September 2007) and the SPD: Residential Layouts.

7.10 Traffic impact, car/cycle parking, pedestrian safety

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

7.11 Urban design, access and security

As above

7.12 Disabled access

The proposal does not show ground floor WC facilities. As such, the development would fail to comply with lifetime homes standards and to Part M of Building Regulations. Therefore, the proposal is considered to fail 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 the proposal does not meet the threshold to require the provision of this type of housing.

7.14 Trees, Landscaping and Ecology

The Council's Trees and Landscape Officer has been consulted and has commented that the site is adjacent to Tree Preservation Order 678 which protects an Ash tree. The Silver Birch close to the boundary with 33 West Hatch Manor is a low value tree (dying back and affected by ivy) and does not constrain the development. There is a small Lawson Cypress and a Horse Chestnut adjacent to the site (and very close to the proposed dwelling). The Ash is a high value tree and significantly contributes to the arboreal character of the area; there is a high risk that its roots and overhanging branches will be damaged by construction-related activity. The submitted tree report recognises the high amenity value of the protected Ash, however it does not provide a specific method statement / tree protection plan that makes provision for its protection and long-term retention.

Therefore the application is not acceptable because the scheme does not make provision for the protection and long-term retention of the protected Ash tree close to the site.

It is further considered due to the inaccuracies in the submitted plans the proposed development could be 1m closer to the protected Ash tree than as shown on the proposed layout plan. As such, even if the proposed dwelling was able to be constructed without damaging the crown and root area of this tree, due to its close proximity to the resulting dwelling, it is considered there would be undue pressure to either fell or regularly reduce the spread of this tree, due to the conflict that would result between the overall health and vitality of the tree and to the amenities of future occupiers of that dwelling, by way of shadow, leaf drop, and damage from branches brushing against the property.

As such, the proposal is considered to fail 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 that if the application had been recommended for approval, these matters could be dealt with by way of a condition.

7.16 Renewable energy / Sustainability

Due to the roof light window shown for bedroom No. 3, it is considered this room would not provide an outlook and as such could result in an oppressive environment for future occupiers. Therefore, it is not considered adequate residential amenity would be provided to all habitable rooms and as such the proposal would fail to comply with advice in the SPD: New Residential Layouts: Section 4.9 and Policy 4A.3 of the London Plan (2008).

7.17 Flooding or Drainage Issues

The site is not within a flood zone and no other drainage issues have been raised.

7.18 Noise or Air Quality Issues

Not applicable to this application

7.19 Comments on Public Consultations

With regard to point 10 the structural issues of the development would be considered at Building Control stage and under the Party Wall Act. Points 11 and 13 would not be material considerations of this application. With regard to point 12 - It is inevitable that any construction period will result in a certain level of disruption however this would be controlled by other legislation such as Environmental Protection Legislation. The remaining points are addressed in the full report.

7.20 Planning Obligations

Presently S106 contributions for education are sought for developments if the net gain of habitable rooms exceeds six. The proposal would involve the creation of 6 rooms and as such a contribution of £10,885 would be sought towards educational provision in the Eastcote and East Ruislip Ward for primary, secondary and post-16 education. As this contribution has not yet been secured the proposal would fail to comply with Policy R17 of the UDP Saved Policies (September 2007).

7.21 Expediency of enforcement action

Not applicable in this instance

7.22 Other Issues

None

8. Observations of the Borough Solicitor

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

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

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

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of

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

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

9. Observations of the Director of Finance

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

10. CONCLUSION

The proposal, due to the impact a residential dwelling of this design, in this location, would have on the established pattern of residential development and historical character of the existing locality, would be considered to result in an out of keeping and therefore an obtrusive feature in this street scene, to the detriment of the character of the area. Furthermore, it is not considered the long term health and vitality of the protected Ash tree would be maintained or that adequate amenities would be provided for future occupiers of that dwelling, due to the lack of private amenity area, ground floor WC facilities and outlook for bedroom No 3. As such, the proposal is considered contrary to policies in the Hillingdon Unitary Development Plan Saved Policies (September 2007), HDAS: New Residential Layouts: July 2006, and The London Plan (2008).

11. Reference Documents

Hillingdon Unitary Development Plan Saved Policies (September 2007)

HDAS: New Residential Layouts: July 2006

The London Plan (2008)

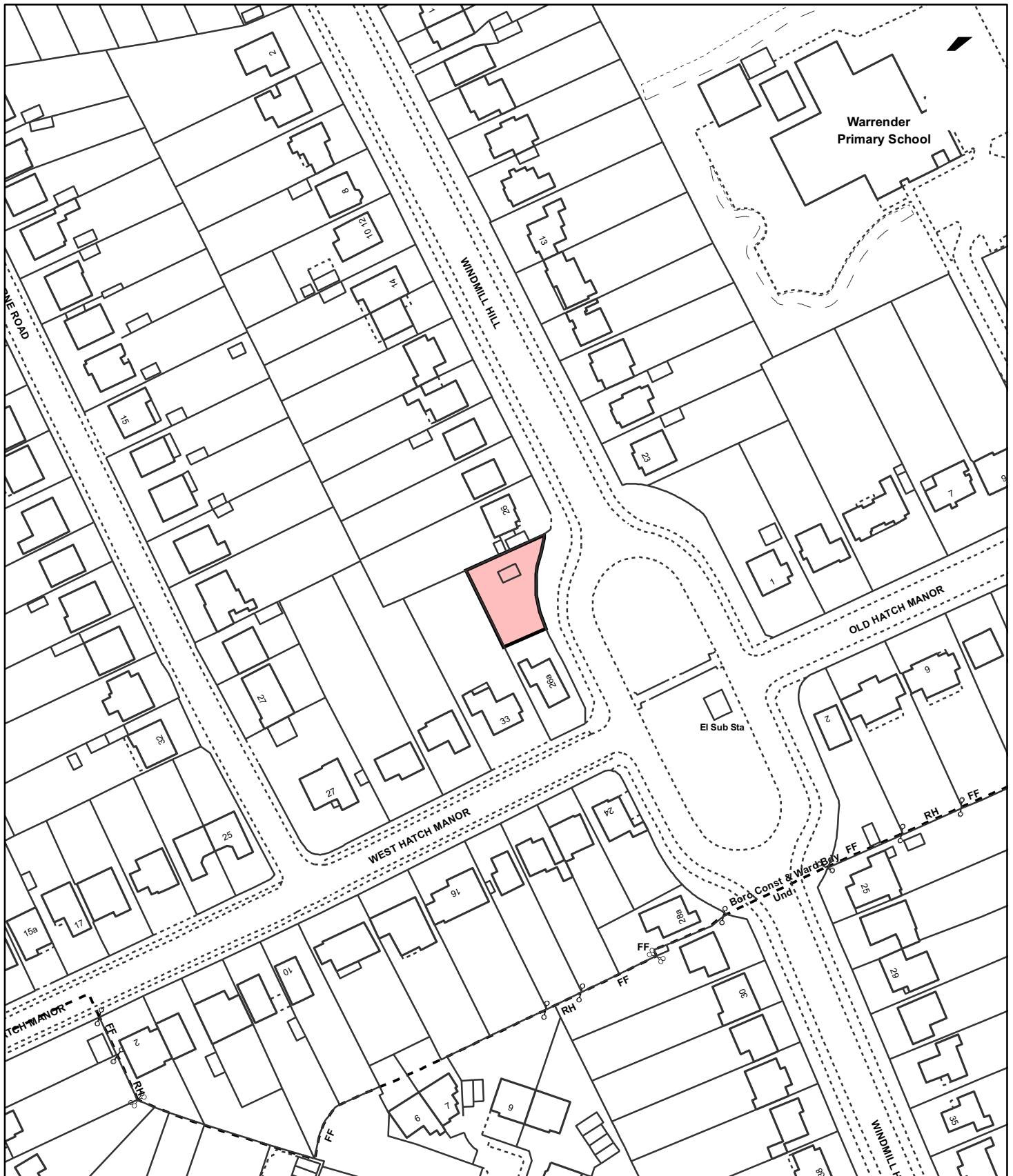
Supplementary Planning Guidance: Educational Facilities

Planning Policy Statement 3: Housing (June 2010)


The London Plan: Interim Housing Supplementary Planning Guidance (April 2010).

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Notes

 Site boundary

For identification purposes only.

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Site Address	
Land forming part of 26A Windmill Hill Ruislip	
Planning Application Ref:	Scale
67242/APP/2011/145	1:1,250
Planning Committee	Date
North	April 2011

**LONDON BOROUGH
OF HILLINGDON**

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