

Report of the Head of Planning & Enforcement Services

Address LAND FORMING PART OF 104 ABBOTSBURY GARDENS EASTCOTE

Development: 1 x one-bedroom, single storey detached dwelling with new crossover to front and associated parking and amenity space (Outline application with some matters reserved.) (Resubmission)

LBH Ref Nos: 67398/APP/2011/481

Drawing Nos: Design & Access Statement
Location Plan to Scale 1:1250
2878/01 Rev. A

Date Plans Received: 01/03/2011 **Date(s) of Amendment(s):**

Date Application Valid: 01/03/2011

1. SUMMARY

The proposal would appear as a stand alone bungalow and due to its siting and position, it is considered that the proposal would result in a development which would appear 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 street scene. It is further considered that should the application receive consent it would set an undesirable precedent for other proposals in the vicinity of a similar nature, which the Council would find difficult to resist. Accordingly 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 rear 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 and BE19 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).

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).

2 153 Compulsory Informative (2)

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

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Residential Layouts
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.
LPP 3A.3	London Plan Policy 3A.3 - Maximising the potential of sites

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises the rear garden area of 104 Abbotsbury Gardens, however this plot of land would front Lowlands Road. Vehicular access to the site would be gained at the point in the road where it turns to the north east at 90 degrees. The proposed dwelling would stand alone on this section/side of the road with the remaining street scene in this immediate vicinity comprising gardens and their rear boundaries.

Lowlands Road and other roads within close proximity of the application site predominantly comprise two storey semi-detached houses with long gardens, a small number of which have extensions and loft conversions with rear dormer additions, creating rooms within the roof.

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

3.2 Proposed Scheme

Planning permission is sought for the erection of a one-bedroom detached bungalow. The dwelling would be a maximum of 7.2m wide and 8.4m deep, finished with a hipped roof,

2.6m high to the eaves and 4m high to the ridge. One off street parking space would be provided on the frontage, accessed from Lowlands Road.

3.3 Relevant Planning History

67398/APP/2010/2562 Land Forming Part Of 104 Abbotsbury Gardens Eastcote

Erection of 1 one-bedroom, single storey detached dwelling with new crossover to front and associated parking and amenity space (Outline application with matters relating to appearance, landscaping and layout being reserved.)

Decision: 23-12-2010 Refused

Comment on Relevant Planning History

This application is a resubmission of a previously refused application (67398/APP/2010/2562), for a similar proposal, this application was refused on the 23/12/2010, for the following reasons:

1. 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 rear 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 street scene and the surrounding area generally contrary to Policies BE13 and BE19 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 The London Plan: Interim Housing Supplementary Planning Guidance (April 2010).
2. The floor area for the proposed new dwelling is below the Council's minimum 50m² required for a one-bedroom unit. As such the proposal would fail to provide a satisfactory residential environment for future occupiers and is therefore contrary to Policy BE19 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and the adopted Supplementary Planning Document HDAS: Residential Layouts.
3. The proposal fails to satisfy Lifetime Homes standards, contrary to Policy 3A.5 of the London Plan (February 2008) and the Council's Supplementary Planning Document HDAS: Accessible Hillingdon.

The current proposal has been amended and now shows a larger footprint, thereby increasing the internal floor areas.

It is further noted the adjacent site has got an extensive site history, which is considered relevant to this proposal, the most recently determined application, for the erection of a five-bedroom detached bungalow with additional habitable accommodation in the roof space (56032/APP/2010/2111), was refused on the 23/12/2010. The principle reason for refusal was:

- 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 to the level proposed through the loss/part loss of these significant garden areas 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 street scene and the surrounding area generally contrary to

Policies BE13 and BE19 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 The London Plan: Interim Housing Supplementary Planning Guidance (April 2010).

Prior to this, permission was refused and dismissed at appeal (for a 2 storey four-bedroom detached house with additional habitable accommodation in the roof space (56032/APP/2009/967)), the inspector concluded:

"I am drawn to the conclusion, notwithstanding the view of the previous Inspector, that the principle of the site being suitable to accommodate development of the general scale proposed. To my mind the term general scale does not establish a sufficiently precise parameter to fetter my conclusions in respect of impact on character in this case. In my view, the scheme, being of the scale proposed and in this location, would obtrude into the open context of the informal vista of the rear gardens to the material detriment of the character of the area. I consider the degree of harm identified here sufficient on its own to merit the dismissal of the appeal, and as no express arguments have been put forward in relation to the more effective or efficient use of land in the support of the case, its status as garden land in relation to the amended definition of previously developed land set out in the reissued PPS3 is not a matter on which the case turns."

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).

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.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Residential Layouts
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.
LPP 3A.3 London Plan Policy 3A.3 - Maximising the potential of sites

5. Advertisement and Site Notice

- 5.1** Advertisement Expiry Date:- Not applicable
5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

29 neighbours and interested parties were consulted. A petition of 27 signatures and 7 responses have been received, objecting to the proposal on the following grounds:

1. The proposal is out of keeping with the area, contrary to PPS3 and the revised London Plan.
2. We are against the development of back garden land into new housing and also for new access roads to be built into this space from another road.
3. This will degrade the quality of the gardens that are characteristic of the local estate and lead to additional developments of garden space which we understand are no longer permitted under new planning rules
4. There are enough dwellings in the area already.
5. The current houses were purchased by residents who wanted to have space around them, this type of development is not acceptable.
6. This would set a precedent.
7. The reason for the development is unrealistic (to help daughter get on the property ladder), but if built this could be sold on the open market.
8. The area is prone to flood and this would add to the problems.
9. This development would affect wildlife in the area.
10. The access is on a blind corner and would constitute a hazard to other road users.
11. Vehicles would undoubtedly reverse onto the pavement.
12. The access is close to First and Middle Schools where parking is restricted and traffic compromised on safety grounds.
13. Vehicles will inevitably park on the roadway, therefore the development cannot be viewed separately from parking restrictions and disallowances.
14. The development would dwarf and completely overshadow the adjacent gardens resulting in loss of privacy and amenity.
15. The land adjacent to the site has an oak tree which could be affected by the development
16. The applicant draws a comparison to a nearby development at 114, 116, 118 Abotsbury Gardens. It should be noted the development is for a building similar in size but the site area is three times larger and presents a less jarring visual effect. Furthermore this proposal was passed prior to the new planning regulations.
17. This application is not materially different from the previous refused case.

Ward Councillor: Requests that the application be referred to committee.

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

With regard to water supply, this comes within the area covered by the Veolia Water Company.

Internal Consultees

Tree/Landscape Officer:

This site is not covered by a TPO, nor within a Conservation Area. There are several trees (mainly apple and yew) within the rear garden of 104 Abbotsbury Gardens, where the proposed dwelling is to be constructed. There are also several trees (mainly pear and oak) within the rear garden of the neighbouring property (106 Abbotsbury Gardens). As a group, these trees contribute to the arboreal character of the area. Several of the trees within 104 will need to be removed to accommodate the proposed dwelling, and several of the trees within 106 could be affected by construction-related activity. The application should, therefore, be supported by a tree survey and tree protection plan.

With regards to landscaping, the plans show an area to be laid to lawn and an area to be used for car parking. Further details should be provided to show soft landscaping (small trees/shrubs etc), and that the materials to be used for the car parking area conform to SUDS recommendations.

Subject to conditions TL1, TL2, TL3, TL4 (lawn, planting plans and car parking layout/materials) and TL6, this scheme is considered acceptable in terms of Saved Policy BE38 of the UDP. However, in this case there is now another landscape-related consideration.

An inspector dismissed an appeal in August 2010 for a similar development. The inspector noted that the gardens between the semi-detached houses in Lowlands Road and Abbotsbury Gardens form part of a green vista, which strongly defines the locally distinctive context and suburban character of the area. The inspector also noted that 'the extensive back gardens forming the appeal site and its context make a strong contribution to the local distinctiveness and character of the area', which should be preserved or enhanced by proposed developments.

Therefore, the effect of the proposed development on the openness and character of the area needs to be considered in this context, in terms of the relevant policies of the UDP and the London Plan.

Highways Officer:

No highway ground was applied on the refusal of the previous application ref. 67398/APP/2010/2562. The highway aspect of this and the previous application is identical.

Consequently, there is no objection on the highways aspect of the proposals subject to conditions being applied to provide 2.4m x 2.4m pedestrian visibility splays on both side of the access and parking spaces shall be completed before the occupation of the development and shall be available for car parking at all times thereafter.

In addition, the following informatives are recommended to be applied:

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

Environmental Protection Unit:

The above application relates to a new residential development, therefore will be introducing a new sensitive use at the site. We have no specific information in relation to land contamination at this site. If it is likely soil will be imported to the site as part of the development it is advisable to include the following condition for imports to ensure they are suitable for use.

Condition to minimise risk of contamination from Imported Materials

No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. All imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted for approval to the Local Planning Authority.

Note: The Environmental Protection Unit (EPU) must be consulted for their advice when using this condition.

REASON

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

Waste and Recycling Officer:

The plan does not show that a space has been allocated for the storage of waste. However, Hillingdon is not a wheeled bin borough so a refuse 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, additional three can be purchased by occupier.

The residents would be required to present the waste and recycling at the curtilage of the property on the allocated collection days.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy BE13 of the Adopted Hillingdon UDP (Saved Policies, September 2007) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene and BE19 states the LPA will seek to ensure that new development within residential areas compliments or improves the amenity and character of the area.

The adopted Supplementary Planning Document (SPD): Residential Layouts: Section 3.4 states this type of development must seek to enhance the character of the area. Section 4.10 of the SPD explains careful consideration should be given to the height of new buildings and the surrounding building lines, as a general rule the front and rear building lines should be a guide for the siting of new dwellings.

However, there have been a number of key changes in the policy context, since the adoption of the UDP (Saved Policies September 2007), adopted SPD guidance and 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 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."

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 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 loss of this section of rear garden area in this location, the resulting built development and the necessary creation of additional areas of hardstanding with associated pedestrian and vehicular access to the site, would be detrimental to the local and historical context of the area, which is characterised by semi-detached properties with long rear gardens. When balanced against the limited contribution the developments would make toward achieving housing targets in the borough it is considered that the principle of the proposed residential development is 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. Notably, the Council's Development Plan Annual Monitoring Report 2008/2009 shows that the Council is achieving its housing targets from sites elsewhere in the borough.

7.02 Density of the proposed development

The scheme would have a residential density which equates to approximately 150 habitable rooms per hectare (hrpha). As such this would comply with the London Plan recommended guidelines having regard to the sites Public Transport Accessibility Level (PTAL) score of 1b (which suggests a level of 150-200 hrpha, 30-50 units per hectare). However, given that the development is for a single dwelling the relevance of the density of the site in determining the proposal is limited.

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

The Deane Estate is characteristic 1930's development comprising semi-detached and detached properties with a variety of house styles. Although properties within the immediate vicinity of the application site are semi-detached there are also detached properties on this Estate. The properties are situated on large plots of land and generally have long gardens. The houses are set back from the road frontage by 8 metres to establish building lines. The area therefore has an open character and appearance.

The SPD HDAS: Residential Layouts, Section 5.11 states that the intensification of sites within an existing streetscape if carefully designed can enhance the appearance of the surrounding area and the form and type of development should be largely determined by its townscape context. New developments should aim to make a positive contribution to improve the quality of the area, although they should relate to the scale and form of their surroundings.

Planning Policy Statement (PPS) 3: Housing, states Whilst it is considered to be strategically important that sufficient housing is delivered, it is made clear in the policy that this should not be at the expense of quality. Paragraph 13 of this document clarifies this advice, stating 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 proposed house would be set in from the site boundaries by a minimum of 1m, so as

to retain sufficient visual gaps around the dwelling and the design of the proposal may be considered appropriate in some instances, and the SPD, Residential Layouts, Section 5.11 states the intensification of sites within an existing streetscape if carefully designed can enhance the appearance of the surrounding area and the form and type of development should be largely determined by its townscape context. That new developments should aim to make a positive contribution to improve the quality of the area, and they should relate to the scale and form of their surroundings. However, it is considered that this proposal relates to a small single storey proposal that would be sited in a rear garden, adjacent to the surrounding rear boundaries fronting this road, thereby failing to make any reference to existing built development in the street scene and appearing out of context in relation to its surroundings, and due to the siting of a dwelling in this location and its position in the street scene, would result in an incongruous feature, which would fail to respect the established pattern of residential development in the area.

In view of the above, it is considered that the proposal would result in a detrimental impact on the visual amenities of the street and the wider area, and as such would be contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan (Saved Policies September 2007), the Supplementary Planning Document HDAS: Residential Layouts and Planning Policy Statement (PPS) 3: Housing (Nov 2006).

7.08 Impact on neighbours

With regard to the impact of the amenities on the adjoining occupiers, Sections 4.9 of the SPD: Residential Layouts, in relation to new dwellings, states all residential developments and amenity space should receive adequate daylight and sunlight, including habitable rooms and kitchens. The daylight and sunlight available to adjoining properties should be adequately protected. Due to the single storey nature of the proposal and the distances to the nearest residential properties it is not considered a material loss of outlook or light would result to those properties. Therefore the proposal would comply with policies BE20 and BE21 of the UDP (Saved Policies September 2007).

With regard to privacy, the design guide requires that a minimum distance of 21m between habitable room windows and private garden areas is provided in order to protect privacy. The distance between the rear facing wall of the host dwelling and that of the proposed new dwelling would be 21m. Therefore the proposal is not considered to result in a material loss of privacy and would accord 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 in 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 50m². The SPD states the minimum amount of floor space required for a 1-bedroom single storey house could be 50m² and therefore the proposal would comply with this advice.

With regard to the size of the garden, the SDP: Residential Layouts: Section 4.15 states that a 1 bed house should have a minimum garden space of 40m², and the development would comply with this advice, with a rear usable garden area of over 65m². Whilst there would be a reduction in the amenity area for the host dwelling, the amenity space remaining would still be in excess of 120m². Therefore the proposal would comply with Policy BE23 of the Hillingdon UDP (Saved Policies, September 2007).

7.10 Traffic impact, car/cycle parking, pedestrian safety

With regard to highway safety, an acceptable access point with adequate visibility in both directions would be achieved and given that one extra dwelling would not significantly add

to existing traffic flows, the proposal would not be detrimental to pedestrian and highway safety.

Therefore the proposal is considered to comply with Policies AM7 and AM14 of the Hillingdon UDP (Saved Policies, September 2007).

7.11 Urban design, access and security

See Section 7.01 and 7.07.

7.12 Disabled access

The proposal comprises a single storey building and as such level access could be provided throughout. The floor space would now enable the proposal to meet Lifetimes Homes standards. As such, it is considered that should members wish to approve this application it is recommended a condition is added requiring the submission and approval of these details. Therefore, the proposal would comply with Policies 3A.5, 4B.3 and 4B.5 of the London Plan (February 2008) and the Council's HDAS: Accessible Hillingdon

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

The Council's Trees and Landscape Section does not raise objection to the proposal, subject to suitable safeguarding conditions and thus it is considered acceptable in terms of Saved Policy BE38 of the UDP. However, in this case there is another landscape-related consideration. An inspector dismissed an appeal in August 2010 for a similar development. The inspector noted that the gardens between the semi-detached houses in Lowlands Road and Abbotsbury Gardens form part of a green vista, which strongly defines the locally distinctive context and suburban character of the area. The inspector also noted that 'the extensive back gardens forming the appeal site and its context make a strong contribution to the local distinctiveness and character of the area', which should be preserved or enhanced by proposed developments. Therefore, the effect of the proposed development on the openness and character of the area is considered unacceptable and forms the basis for the refusal reason.

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 farther than 9m from the edge of the highway. No details have been provided in respect of this issue, however, it is considered that should a permission be issued this matter could be addressed by suitable condition.

7.16 Renewable energy / Sustainability

Policy 4A.7 of the London Plan (February 2008) requires developments to achieve a 20% reduction of carbon dioxide emissions from on site renewable energy generation. Although no details have been submitted as to how this could be achieved, it is considered that a condition requiring the development to meet Code 3 of the Code for Sustainable Homes could have been attached, had the application been recommended favourably.

7.17 Flooding or Drainage Issues

The proposal is not within a flood plain, however, concerns from local residents have been raised with regard to the locality and land drainage problems. This matter was considered by a previous inspector's decision in relation to the adjoining site (application 56032/APP/2005/1287 April 2007), for a four bedroom house. The conclusion was drawn that these matters could be adequately dealt with by way of appropriate planning condition requiring the submission of suitable schemes for approval by the Local Planning Authority. As such, if members wish to approve this application it is recommended the above approach it taken to deal with this issue.

7.18 Noise or Air Quality Issues

With regard to any noise or disturbance caused by the proposed house and vehicular access road, it is considered the bend in Lowlands Road enables the proposed dwelling to be accessed from a separate entrance to those serving existing properties in Lowlands Road and in Abbotsbury Gardens. The access is situated over 30m from the rear elevation of No.61 and therefore the proposed additional house is unlikely to give rise to an increase in pollution, noise and disturbance to adjoining properties to justify refusal. As such, the proposal is considered to comply with Policy OE1 of the UDP (Saved Policies September 2007).

7.19 Comments on Public Consultations

Points 4, 5, and 7 are not material to the planning consideration of this application and the remaining points are addressed in the report.

7.20 Planning Obligations

Presently S106 contributions for education are only sought for developments if the net gain of habitable rooms exceeds six. This proposal shows the creation of a private house with a net gain of 3 habitable rooms and therefore no educational contribution would be sought in this instance.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None

8. Observations of the Borough Solicitor

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

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

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

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

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The proposal, due to the impact a dwelling 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 obtrusive feature in this street scene, to the detriment of the character of the area. As such, the proposal is considered contrary to policies in the Hillingdon Unitary Development Plan (Saved Policies September 2007) and The London Plan (2008).

11. Reference Documents

Hillingdon Unitary Development Plan Saved Policies September 2007
HDAS: Residential Layouts
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).

Contact Officer: Catherine Hems

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Notes

 Site boundary

For identification purposes only.

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Site Address

**Land forming part of
104 Abbotsbury Gardens
Eastcote**

Planning Application Ref:

67398/APP/2011/481

Scale

1:1,250

Planning Committee

North

Date

May 2011

**LONDON BOROUGH
OF HILLINGDON**
Planning,
Environment, Education
& Community Services

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