

Report of the Head of Planning & Enforcement Services

Address 21 FRITHWOOD AVENUE NORTHWOOD

Development: Part single storey, party two storey side / rear extension involving alterations to side elevation.

LBH Ref Nos: 42456/APP/2011/653

Drawing Nos: AR-P02 Rev. A
AR-P03 Rev. A
Design & Access Statement
Arboricultural Assessment
Transport Statement
Location Plan to Scale 1:1250
AR-P04
AR-P01 Rev. C
AR-P05 Rev. C
AR-P06 Rev. B
AR-P07 Rev. C

Date Plans Received:	16/03/2011	Date(s) of Amendment(s):	16/03/2011
Date Application Valid:	25/03/2011		24/03/2011
			16/05/2011

1. SUMMARY

This application relates to an existing residential care home situated within a residential area. The application seeks permission for a part 2 storey, part single storey side extension, to provide 5 additional rooms.

It is considered that the design of the proposal is acceptable and that any loss of residential amenity has been satisfactorily addressed and would not be materially different from the existing site circumstances to warrant the refusal of planning permission on these grounds alone. As such the proposal is considered to comply with all relevant policies contained in the Hillingdon Unitary Development Plan Saved Policies (September 2007) and therefore the proposal is recommended for approval.

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 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).

3 M2 External surfaces to match existing building

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 TL1 Existing Trees - Survey

Prior to any work commencing on site, an accurate survey plan at a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The plan must show:-

- (i) Existing and proposed site levels.
- (ii) Routes of any existing or proposed underground works and overhead lines including their manner of construction.

REASON

To enable the Local Planning Authority to assess the amenity value of existing trees, hedges and shrubs and the impact of the proposed development on them and to ensure that the development conforms with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 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 or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority 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.

6 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).

7 TL21 Tree Protection, Building & Demolition Method Statement

Prior to development commencing on site, a method statement outlining the sequence of development on the site including demolition, building works and tree protection shall be submitted to and approved by the Local Planning Authority, and the scheme thereafter implemented in accordance with the approved method statement.

REASON

To ensure that trees can be satisfactorily retained on the site in accordance with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

8 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.
- (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).

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

The rooflights facing 23 Frithwood Avenue 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).

INFORMATIVES

1 I52 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 I53 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.

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.
BE21	Siting, bulk and proximity of new buildings/extensions.
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.
R10	Proposals for new meeting halls and buildings for education, social, community and health services
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Residential Extensions
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
BE20	Daylight and sunlight considerations. Residential extensions/buildings of two or more storeys.

BE22

BE4

New development within or on the fringes of conservation areas

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 12 Encroachment

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

5 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.

6 134 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
- 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.

· 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.

· 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.

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

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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the northern side of Frithwood Avenue and is occupied by a nursing home which was formerly a large detached Edwardian dwelling. The northern boundary of the site abuts Cullera Close, a residential cul-de-sac and to the west and east of the site are 19 and 23 Frithwood Avenue, large detached properties.

The building is set in a generous plot with a double garage and off street parking for 8 spaces and lies within the Northwood (Eastbury Road) Conservation Area as designated in the Hillingdon Unitary Development Plan Saved Policies September 2007. The site is also covered by TPO No 156.

3.2 Proposed Scheme

Planning permission is sought for a part two storey part single storey side extension. The extension would provide an additional 5 bedrooms together with bathroom facilities.

The extension would be set back 1.8m from the front wall, with the first floor element set back a further 2m, resulting in the two storey addition being set back by a total of 3.8m. At single storey the extension would be 6.4m wide and 16.2m deep. The first floor addition would be 4.2m wide by 8.5m deep. The extensions would be finished with pitched and hipped roof forms. The single storey element would have a maximum height of 4m, with the two storey element having a maximum height of 9m.

3.3 Relevant Planning History

42456/A/88/2048 21 Frithwood Avenue Northwood
Extension & conversion of existing dwelling to form residential nursing home with 18 bed spaces

Decision: 08-03-1989 Approved

42456/APP/2007/1804 21 Frithwood Avenue Northwood
ERECTION OF A TWO STOREY SIDE AND REAR EXTENSION TO PROVIDE FOR EIGHT ADDITIONAL BEDROOMS AND ADDITIONAL ANCILLARY ROOMS.

Decision: 07-09-2007 Withdrawn

42456/APP/2008/225 21 Frithwood Avenue Northwood
ERECTION OF A TWO STOREY SIDE TO REAR EXTENSION ON THE EAST ELEVATION TO CREATE 7 ADDITIONAL BEDROOMS, 1 THERAPY ROOM, 1 CLINICAL ROOM, 1 NURSES STATION, RECEPTION AND LOUNGE.

Decision: 18-03-2008 Refused

42456/APP/2008/2981 21 Frithwood Avenue Northwood
TWO STOREY SIDE EXTENSION ON THE EAST ELEVATION TO PROVIDE SIX ADDITIONAL BEDROOMS TO THE EXISTING NURSING HOME, WITH INTERNAL ALTERATIONS

Decision: 07-01-2009 Refused

42456/C/89/2272 21 Frithwood Avenue Northwood
Erection of a two storey rear extension to nursing home

Decision: 26-04-1990 Refused

42456/D/89/2274 21 Frithwood Avenue Northwood
Erection of a two storey rear extension to nursing home (Duplicate Application)

Decision: 26-04-1990 Refused

Comment on Relevant Planning History

Planning application ref: 42456/A/88/2048 for the extension and conversion of the existing dwelling to form residential nursing home with 18 bed spaces was approved on 18th March 1989.

Planning application ref: 42456/C/89/2272 for the erection of a two storey rear extension was refused on 26/04/90 on the grounds that the proposal would damage the roots of 2 trees in G.6 on TPO No. 156; result in the overdevelopment of the site which would seriously reduce the outdoor amenity area for the nursing home and the proposal by reason of its bulk, size and close proximity will overdominate the adjacent residential property. The location of this extension which was attached to the eastern wing of the building is similar to that proposed on this current application.

Planning application ref: 42456/D/89/2274 was identical to planning application ref: 42456/C/89/2272 for the erection of two storey rear extension and was refused on 26/04/90 for the same reasons.

Planning application ref: 42456/APP/2008/225 for the erection of a two storey side and rear extension on the east elevation to create 7 additional bedrooms, a therapy room, a clinical room, a nurses station, reception and lounge with roof terrace was refused on the 18/03/08 under delegated powers.

The most recent application on this site (42456/APP/2008/2981) sought permission for a two storey side extension on the east elevation to provide six additional bedrooms, together with internal alterations, this application was refused on the 7th January 2009 for the following reasons:

1. The proposal by reason of its siting and overall size and bulk in relation to the existing property and those in Cullera Close would have an adverse impact in terms of visual amenity and would thus be out of character with the existing property, the street scene and the Northwood (Eastbury Road) Conservation Area, contrary to policies BE5, BE13, BE15, BE19 and BE38 of the Hillingdon Unitary Development Plan 'Saved Policies' September 2007 and the Supplementary Planning Document HDAS: Residential Extensions.

2. The proposal by reason of its overall size and bulk and siting in proximity to the boundary with the adjoining residential properties would give rise to an overdominant and visually intrusive form of development which would detract from the amenities of adjoining occupiers. The proposal is therefore contrary to policy BE21 of the Hillingdon Unitary Development Plan Saved Policies September 2007 and the Supplementary Planning Document HDAS: Residential Extensions.

3. The proposed first floor lounge window in the rear elevation which faces towards 8 Cullera Close would give rise to a loss of privacy to the occupiers of this property and the proposed corridor window in the first floor front elevation which faces directly towards the private garden area of 23 Frithwood Avenue would give rise to a greater perception of being overlooked to the detriment of neighbouring residential amenity. The proposal is therefore contrary to policy BE24 of the Hillingdon Unitary Development Plan Saved Policies September 2007 and the Supplementary Planning Document HDAS: Residential Extensions.

An appeal against this refusal was dismissed. to try and overcome these issues.

4. Planning Policies and Standards

Policy 3A.4 of the London Plan (2008).

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.
BE21	Siting, bulk and proximity of new buildings/extensions.
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.
R10	Proposals for new meeting halls and buildings for education, social, community and health services
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Residential Extensions
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
BE20	Daylight and sunlight considerations.
BE22	Residential extensions/buildings of two or more storeys.
BE4	New development within or on the fringes of conservation areas

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **11th May 2011**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

The application was given statutory press and site publicity and 60 neighbours and interested parties have been consulted. Ten letters of representation have been received from four individuals, which make the following comments:

1. The applicant has made three similar applications in the last 4 years, one of which was turned down at appeal due to the impact on adjoining properties.
2. Whilst the current scheme has been reduced, due to the proximity to the shared boundaries the building would give a sense of enclosure, detracting from the enjoyment of our rear gardens.
3. The layout plan is incorrect, and the new addition would project along our side boundary, resulting in a 5.5m addition along this boundary.
4. The proposal would also result in loss of outlook and light to the rear garden of No 23 Frithwood Avenue.
5. Many of the resulting rooms for the care home would not be provided with a reasonable outlook.
6. There is not enough space to accommodate an extension without either harming the amenity of local residents or providing substandard accommodation for future residents.
7. The site is within a Conservation Area and therefore should be protected, we consider the proposed extension would seriously detract from the areas character and appearance.
8. There appears no mention of what access any future workmen would require. It would be

intolerable to allow access from Cullera Close, as we already have enough problems from excess parking in our narrow street.

9. Currently, we sometimes get disturbed by noise from residents at the site (particularly in the summer months). If this extension goes ahead we are concerned this would increase due to the closer proximity to our boundary.

10. The revised plans now show two bedrooms would overlook our garden, this is a retrograde step which we object to.

11. We object to the proposal as it would create more noise and traffic in what is a quiet residential street in a Conservation Area.

12. The extension will unbalance what is a pretty property. The existing annex already constructed is unsightly and not in-keeping. We hope this will not be granted.

13. We note that our main objections have now been taken into consideration, however we still see no reference of how builders will access the site our close is too narrow to accommodate works vehicles.

14. The revised plans still show a significant extension, also given what I assume is additional accommodation, this will mean additional on-street parking in Frithwood Avenue, something that residents would not appreciate.

15. The proposal would hinder access to the rear garden in the event of a fire, similarly maintenance would be an issue.

16. Previous applications have already shown there is difficulty getting materials onto the site and damage would be caused to existing trees.

17. Loss of amenity, more green area would be replaced by concrete, the percentage of the garden will decrease and there would be more residents.

18. There would be disturbance to the nursing home residents and to the neighbours during construction works.

19. The proposal is too large in a residential area, where additional traffic would be unwelcome and would detract from the quiet nature of the area.

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

Internal Consultees

Environmental Protection Unit (Contaminated Land Officer): There does not appear to be any specific contamination for the site that I am aware of. The site also appears to fall out of the 1-3% of homes above the action level for radon (i.e. 0-1% of homes).

Access Officer: Having reviewed the detail of the above development application, there is little scope to improve accessibility and therefore no further comment is provided.

Trees and Landscape Officer: There are many trees on and close to the site, which are protected either by Tree Preservation Orders (TPO) or by virtue of their location in the Conservation Area. There is also a hedge along the northern boundary of the site. Most of the trees at the front of the property are protected by TPO 156, and TPO 298 protects two middle-aged trees at 1 Cullera Close, one of which overhangs the site. The protected trees on, and close to, the site and the hedge constrain the development of the site, such that any scheme should make provision for their retention.

The scheme retains the trees and the hedges on the site and will not affect the trees on adjoining properties. The applicant's tree expert has advised that one of the TPO Oak trees (with a low branch over the driveway) at the front of the property limits the size of vehicles/plant that could access that part of the site, and there is limited space between the trees closest to the existing building for access and construction-related activity. Nevertheless, it should be possible to build the extension without affecting the protected trees. In this context, there is no space/scope, or need for additional planting.

If the scheme is recommended for approval, then conditions relating to the retention and protection of the trees and hedges, and the construction methodology should be imposed.

Subject to conditions TL1 (services and levels ONLY), TL2, TL3 and TL21, the application is acceptable in terms of saved policy BE38 of the HUDP.

Conservation and Urban Design Officer: This is an attractive Edwardian house, within the Northwood-Frithwood Conservation Area. The house has been converted to a Nursing Home and has been extended at the rear. There has been a previous refusal for a new side wing, dismissed on appeal on grounds of impact on neighbours and design.

Revised plans have been received and the scheme is now considered to be acceptable.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application relates to the extension of an existing residential care home and it is therefore considered the principle for the use on the site has been established.

Policy R10 of the UDP Saved Policies (September 2007) states, Local Planning Authorities will regard proposals for new buildings to be used for community and Health Services as acceptable in principle provided they comply with other policies in the plan. The revised proposal is not considered to conflict with adopted policy and therefore is considered to comply with Policy R10 of the UDP Saved Policies (September 2007).

7.02 Density of the proposed development

Not applicable to this application

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

This application is within the Northwood-Frithwood Conservation Area and the Conservation and Urban Design Officer has commented that this is an attractive Edwardian house which has been converted to a nursing home and has been extended at the rear. The new proposal is for an extension which integrates better with the existing building and to a scale and bulk which is subordinate to the main house. There has been a previous refusal for a new side wing, dismissed on appeal on grounds of impact on neighbours and design. The revised plans are now considered to satisfactorily address the previous concerns and therefore no objection is raised on Conservation grounds. As such, the application is considered to accord with Policy BE4 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

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

With regard to the design and appearance of the side extension, Policy BE22 states that this type of extension should be set away a minimum of 1 metre from the side boundary for the full height of the building. This is to protect the character and appearance of the street scene and protect the gaps between properties, and the proposal would comply with this advice with the two storey element set over 2m away from the shared boundary.

The character of the surrounding area is mixed with detached, terraced and flatted

development all visible in the surrounding street scene. The existing building is an attractive substantial Edwardian building. The building is detached and with a greater setback from the road than adjoining properties, thereby allowing for adequate parking to be accommodated on the frontage whilst still maintaining the existing mature trees and landscaping.

The proposed two storey extension would be set down and set back, from the main ridge height and the front wall of the existing building, thereby resulting in a subordinate addition and maintaining the integrity of the frontage of the existing building. With regard to the rear elevation similar building lines have been used and it is proposed to finish the extension with a pitched and hipped roof form, mirroring that of the main building. The proposal is considered acceptable in terms of intergating with the existing building, its scale, proportions and roof height and is therefore considered to comply with Policies BE4, BE13, BE15, BE19 and BE22 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.08 Impact on neighbours

Policy BE21 requires new residential developments to be designed so as to ensure adequate outlook for occupants of the site and surrounding properties. Policy BE24 states that the development should be designed to protect the privacy of future occupiers and their neighbours. The Supplementary Planning Document HDAS: Residential Extensions provides further guidance in respect of these matters, stating in particular that the distance between habitable room windows should not be less than 21m with a 3m area of rear private amenity space and that a 15m setback should be maintained to the rear of surrounding properties.

It is considered that the revised proposal would accord with this advice, with the plans showing that the new two storey element would not compromise a 45 degree line of sight from the nearest habitable room window of the adjacent property (No 23 Frithwood Avenue) and therefore it is not considered that a material loss of outlook would arise. With regard to any loss of privacy arising from the development, it is considered that the ground floor rooms would be adequately screened by boundary fencing and with regard to the first floor element, the proposal would result in the removal of an existing side facing window (to bedroom No 18), thereby resulting in an improvement to the neighbouring properties on this boundary and with regard to the rear facing window, a 45 degree line of sight taken from the nearest habitable room window to the shared boundary (No 19), would marginally overlook the corner area and side boundary area of the garden to No 1 Cullera Close, but would still allow for adequate private amenity space directly to the rear of that property. As such, it is not considered a material loss of outlook, light or privacy would arise and the proposal is considered to comply with Policies BE19 and BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

Policy OE1 states permission will not be granted for uses which are likely to be detrimental to the character or amenities of surrounding properties and Policy OE3 deals with development which has the potential to cause noise annoyance. The site comprises an established residential care home. Concern has been raised with regard to noise emanating from patients residing at the site, particularly in the summer months when windows are more often left open. However, if the proposal were to be implemented it is not considered that the situation would be materially worsened such as to warrant the refusal of planning permission on these grounds alone and the Council's Environmental Protection Unit has not raised objection on these grounds. Therefore, the proposal is considered to accord with policy OE1 and OE3 of the UDP Saved Policies (September 2007).

7.09 Living conditions for future occupiers

The proposed additional rooms in the extension would provide adequate light and outlook for future occupiers. It should be noted that none of the bedrooms have windows which face towards the side boundary. Planning applications ref: 42456/C/89/2272 and 42456/C/89/2274 were both refused on the grounds that the loss of amenity space associated with the development would result in the overdevelopment of the site which would seriously reduce the outdoor amenity area, which was considered to be an essential part of an elderly persons home of this size. There are no standards within the UDP Saved Policies September 2007 or in the SPD's regarding the provision of amenity space for such uses as care homes and therefore each case has to be assessed on its own merits. In this particular case approximately 300m² of amenity space would be provided to the rear of the site. There is also a further 200m² approximately of landscaped usable areas to the front, set well back from the road frontage. Given this provision it is considered that the proposal would provide satisfactory amenity space for existing and future occupiers of the property.

7.10 Traffic impact, car/cycle parking, pedestrian safety

This application is a resubmission of a previously refused case. The previous proposal would have resulted in 6 additional bedrooms provided to the care home.

The previous considerations with regard to highway matters were as follows:

The Council's adopted parking standard in respect of nursing homes requires that each application should be determined on an individual basis using a transport statement and travel plan. In this case, a double garage and 8 existing parking spaces are provided. No additional parking is proposed. The proposal would increase the number of bedrooms from 18 to 24 and would increase the number of part-time staff from 12 to 13.

However, after assessing the transport statement provided in respect of this current application, the Council's Highways Engineer considers that the development would not adversely affect existing traffic and parking conditions. No additional parking is therefore considered to be necessary. As such, the proposal would not be likely to give rise to conditions which would be prejudicial to highway and pedestrian safety and would thus comply with Policies AM7 (ii) and AM14 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

The current scheme seeks a reduced amount of accommodation (5 bedrooms rather than the previous 6) and therefore in view of the above the proposal would be considered acceptable and as such, in accordance with policies AM7 and AM14 of the UDP Saved Policies (September 2007).

7.11 Urban design, access and security

As above

7.12 Disabled access

The design and access statement submitted with the application states, the nature of the building is primarily for the elderly, therefore the scheme has been designed to allow for easy access for people with mobility problems. The access officer has been consulted and does not wish to raise any concerns and therefore the proposal is considered to accord with the Policy 3A.4 of the London Plan (2008).

7.13 Provision of affordable & special needs housing

Not applicable to this application

7.14 Trees, Landscaping and Ecology

The Trees and Landscape Officer considers that the scheme retains the trees and the hedges on the site and will not affect the trees on adjoining properties. He also considers that it should be possible to build the extension without affecting the protected trees. Thus subject to conditions relating to the retention and protection of the trees and hedges and the construction methodology, the proposal is considered to comply with Policy BE38 of the UDP (Saved Policies September 2007).

7.15 Sustainable waste management

Not applicable to this application

7.16 Renewable energy / Sustainability

Not applicable to this application

7.17 Flooding or Drainage Issues

Not applicable to this application

7.18 Noise or Air Quality Issues

Noise concerns raised have been considered under impact on neighbours

7.19 Comments on Public Consultations

With regard to the points raised, revised plans have been received which have reduced the bulk and scale of the proposal. It is inevitable that there would be some disruption during any building works and these issues would be dealt with under other legislation. The remaining points are addressed in the full report.

7.20 Planning Obligations

Not applicable to this application

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

10. CONCLUSION

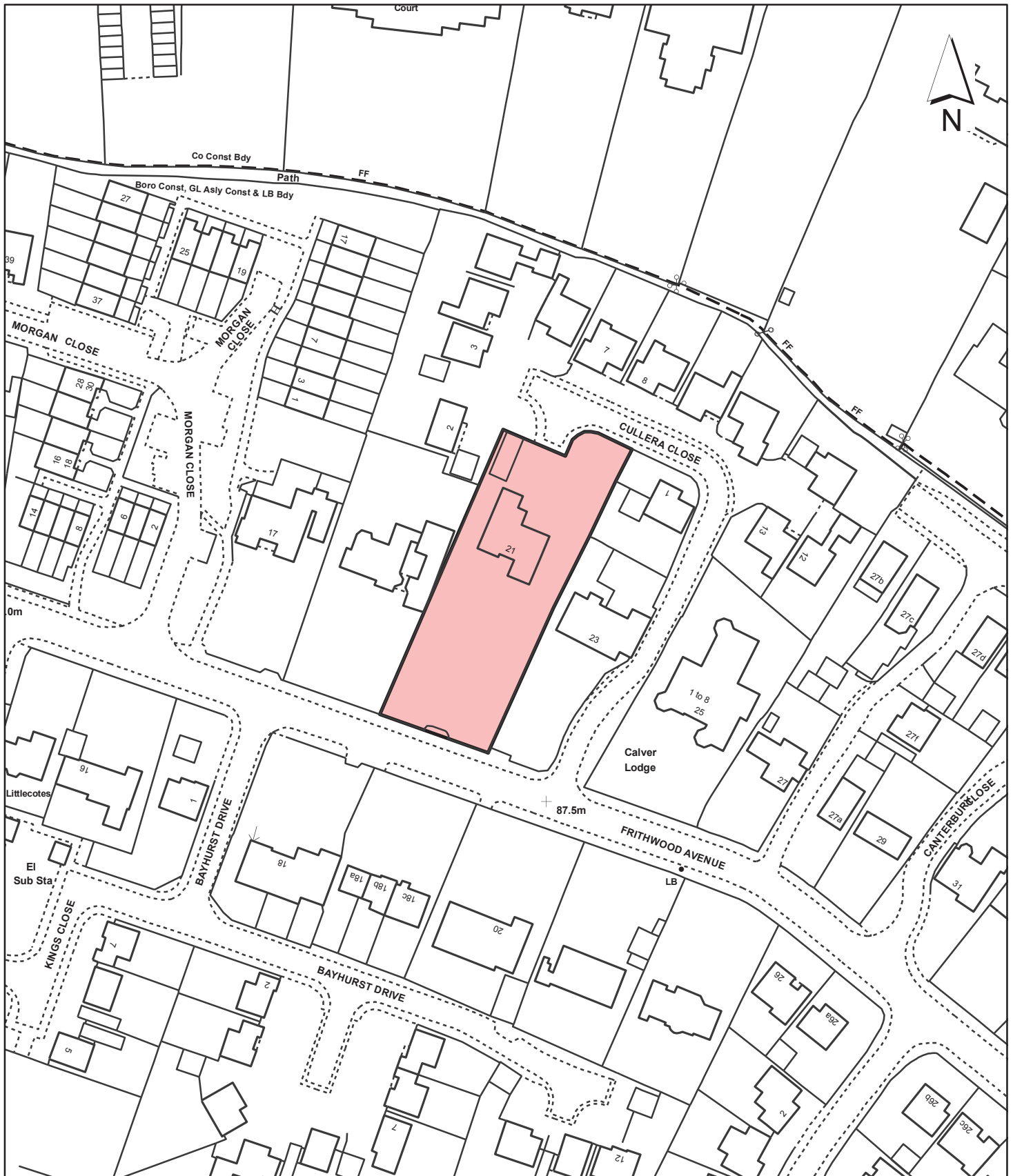
In summary, it is considered that the proposal would not result in a material loss of amenity to the surrounding area or neighboring properties, thereby complying with the relevant policies contained in the UDP (Saved Policies September 2007) and the London Plan and as such, the proposal is recommended for Approval subject to suitable safeguarding conditions.

11. Reference Documents

The Unitary Development Plan (Saved Policies September 2007)
The London Plan 2011
Letters of representation received

Contact Officer: Catherine Hems

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Notes

 Site boundary

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Site Address

**21 Frithwood Avenue
 Northwood**

Planning Application Ref:

42456/APP/2011/653

Planning Committee

North

Scale

1:1,250

Date

**July
 2011**

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

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