

DELEGATED HOUSEHOLDER DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select Option

- | | |
|--|--------------------------|
| 1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received | ☐ |
| 2. Application complies with all relevant planning policies and is acceptable on planning grounds | ☐ |
| 3. There is no Committee resolution for the enforcement action | ☐ |
| 4. There is no effect on listed buildings or their settings | ☐ |
| 5. The site is not in the Green Belt (but see 11 below) | ☐ |

REFUSAL RECOMMENDED: GENERAL

- | | |
|--|--------------------------|
| 6. Application is contrary to relevant planning policies/standards | ☐ |
| 7. No petition of 20 or more signatures has been received | ☐ |
| 8. Application has not been supported independently by a person/s | ☐ |
| 9. The site is not in Green Belt (but see 11 below) | ☐ |

RESIDENTIAL DEVELOPMENT

- | | |
|--|--------------------------|
| 10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha | ☐ |
| 11. Householder application in the Green Belt | ☐ |

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

- | | |
|--|--------------------------|
| 12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses | ☐ |
| 13. Refusal of change of use from retail class A1 to any other use | ☐ |
| 14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use. | ☐ |

CERTIFICATE OF LAWFULNESS

- | | |
|---|--------------------------|
| 15. Certificate of Lawfulness (for proposed use or Development) | ☐ |
| 16. Certificate of Lawfulness (for existing use or Development) | ☐ |
| 17. Certificate of Appropriate Alternative Development | ☐ |

CERTIFICATE OF LAWFULNESS

- | | |
|---|--------------------------|
| 18. ADVERTISEMENT CONSENT (excluding Hoardings) | ☐ |
| 19. PRIOR APPROVAL APPLICATION | ☐ |
| 20. OUT-OF-BOROUGH OBSERVATIONS | ☐ |
| 21. CIRCULAR 18/84 APPLICATION | ☐ |
| 22. CORPSEWOOD COVENANT APPLICATION | ☐ |
| 23. APPROVAL OF DETAILS | ☐ |
| 24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval | ☐ |
| 25. WORKS TO TREES | ☐ |
| 26. OTHER (please specify) | ☐ |

The delegation powers schedule has been checked. Interim Director of Planning, Regeneration & Public Realm can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. Report of the Interim Director of Planning, Regeneration & Public Realm**Address** 44 ICKENHAM ROAD RUISLIP**Development:** Installation of vehicular crossover with turntable.**LBH Ref Nos:** **76824/APP/2022/1899****Drawing Nos:** Tree report
3276-SK1
cover letter
3276-01e**Date Plans Received:** 13/06/2022**Date(s) of Amendment(s):****Date Application Valid:** 13/06/2022**1. CONSIDERATIONS****1.1 Site and Locality**

The address consists of a three-bedroom detached house fronting Ickenham Road which is a major thoroughfare and is therefore deemed as 'Classified' in the hierarchy of the borough's road network. The property possesses a garage provision located to the rear of the site envelope accessed via a private rear service road leading from nearby Sharps Lane.

1.2 Proposed Scheme

The application seeks planning permission for the Installation of vehicular crossover with turntable.

1.3 Relevant Planning History

76824/APP/2021/3920 44 Ickenham Road Ruislip

Installation of vehicular crossover with turn-table.

Decision Date: 23-12-2021 Refused**Comment on Planning History**

76824/APP/2021/3920 for the Installation of vehicular crossover with turntable was refused for the following reason:

The applicant has failed to demonstrate that the third party (highway) trees will be unaffected by the development and has not made provision for their long term protection. As such the proposal would result in harm to the character and appearance of the area and be contrary to Policies DMHB11, DMHB12 and DMHB14 of the Hillingdon Local Plan - Part Two (2020).

2. Advertisement and Site Notice**2.1 Advertisement Expiry Date:-** Not applicable**2.2 Site Notice Expiry Date:-** Not applicable

3. Comments on Public Consultations

The Ruislip Residents Association and 5 neighbouring properties were consulted by letter dated 23.6.22

Highways Delivery Manager -

We have concluded that the crossover cannot be constructed without detriment to the trees.

- The grass area is averaging 500mm higher the paved footway. The level change from the grass verge to the back of footway is too great.

- The tree roots are showing at the top of grass area.

- The distance between the 2 trees is 6.7m. Both trees have a 1.5m circumference. We have to be away from the tree by 4 times the circumference of the tree to the top of the ramp kerbs, which in this instance, would be 6m. We therefore cannot achieve this.

- Accordingly, an application for a crossover will be refused.

Landscape Officer (previous comments)-

This site is occupied by tree-lined grass verge, on highway land, located on the north side of Ickenham Road, outside house number 44. The site lies to the west of the mini-roundabout junction with the Kingsend / Wood Lane junction. The trees are visually prominent in this location, however, they are not protected by TPO as they are managed and safeguarded by the Council. The site lies to the west of Ruislip Village Conservation Area. COMMENT A tree report by John Cromar has identified and assessed the condition and value of 5 trees within the verge. T1, T2, T4 and T5 are rated B1, while the fifth tree, a hawthorn, is given a lower value at C1. The arboricultural impact assessment (AIA) summarises the effect on two B grade trees; T2 Japanese cherry and T4 black walnut at 5.4. The area of encroachment of the root protection area (RPA) of both trees is approximately 20% - which is on the limit that the British Standard recommends for hard-surfacing around trees of on unsurfaced ground. At 5.5 the report specifies a no dig, or 'up and over' construction technique, intended to minimise excavation and root disturbance. There are two issues arising from this methodology; 1. The dropped kerb and driveway over council land will be built by the Council to a standard specification which will not allow for the prescribed technique. 2. According to the photographs within the report, the grass verge is on a raised level compared with the footway running between the verge and the front of the property. The footway and front of the property is at a lower level than the road. The finished driveway level will have to match that of the footway and it will not be possible to utilise the no dig construction because the prescribed construction method requires the driveway level to be raised at over the verge and tree roots - which will not feather in to the footway level without excavation of the verge. Notwithstanding the mitigating methodology proposed in the arboricultural method statement, this construction technique is not considered to be feasible due to the existing levels across the verge.

RECOMMENDATION The proposal fails to satisfy policies DMHB12 and DMHB14 and should be refused. The applicant has failed to demonstrate that the third party (highway) trees will be unaffected by the development and has not made provision for their long term protection.

4. Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

5. MAIN PLANNING ISSUES

The main issues for consideration in determining this application relate to whether the installation of the crossover would be a detriment to highway and/or pedestrian safety, the health of trees, the effect of the proposal on the character and appearance of the original dwelling and surrounding area and the impact on neighbouring residential occupiers.

Policy Context:

The Hillingdon Local Plan: Part One Strategic Policy BE1 seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design.

Policy DMHD1 requires:

i) new or replacement driveways should use permeable (porous) surfacing. Surfaces of more than five square metres will need planning permission for laying traditional, impermeable driveways; and ii) the design, materials and height of any front boundary must be in keeping with the character of the area to ensure harmonisation with the existing street scene.

Policies DMHB 11 and DMHD 1 (mentioned above) also seek to protect the residential amenity of neighbouring occupiers.

Policy DMT 2: Highways Impacts states:

Development proposals must ensure that:

- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
- ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
- iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;
- iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and
- v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.

Policy DMHB 14: Trees and Landscaping requires:

- A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.
- B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.
- C) Where space for ground level planting is limited, such as high rise buildings, the inclusion of living walls and roofs will be expected where feasible.
- D) Planning applications for proposals that would affect existing trees will be required to

provide an accurate tree survey showing the location, height, spread and species of trees. Where the tree survey identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

Assessment - Highway Impact:

It is proposed to install a carriageway crossing on Ickenham Road allowing access to an on-plot parking space for a disabled user on the property frontage. A 'turntable' is also proposed as it would allow for a vehicle to enter and leave the frontage in a forward gear which is considered best practice on safety grounds. The new carriageway crossing would traverse two footways running parallel to each other which are separated by an extensive grass verge.

A similar application at no.44 has recently been refused. Further, neighbouring No.42 presented a similar and directly comparable proposal for a new carriageway crossing that was refused by this authority in 2016 based on the loss of the public grass verge and proliferation of vehicular access points onto Ickenham Road (4073/APP/2016/2781). The decision was subsequently overturned and allowed on appeal. This is a material planning consideration. However, the detailed levels and siting of the important street trees to the front of Number 44 is also a material consideration.

With regards to the scale of the new crossing, there should be conformity with the Council's 'Domestic Vehicle Footway Crossover' (DVFC) Policy 2019, a material consideration. It is noted that a substantial area of grass verge would be lost as a consequence of this new crossing provision and the DVFC policy endeavors to retain larger grass verges where possible. This links to Local Plan policy relating to character, appearance and soft landscaping.

The policy states that "where an application for a crossover is proposed across a highway verge that is greater than 3 metres in width (or depth) or any grassed highway amenity area, it will be refused". In this case the verge measures nearly 5 metres in depth hence the proposal would not comply with the above parameter.

The Highways Officer has considered the engineering solution proposed by the applicant to provide a safe access and to allow for the retention of the trees. The grass area is averaging 500mm higher the paved footway. The level change from the grass verge to the back of footway is too great. The distance between the 2 trees is 6.7m with both trees having a 1.5m circumference. To accord with standards the crossover would be required to be away from the tree by 4 times the circumference of the tree to the top of the ramp kerbs, which in this instance, would be 6m. The applicant has therefore failed to demonstrate a safe and convenient access to the highway in conflict with the requirements of Policy DMT2 of the Hillingdon Local Plan - Part Two (2020).

Assessment: Visual Amenity/Character/Trees:

This site is occupied by tree-lined grass verge, on highway land, located on the north side of Ickenham Road, outside house number 44. The site lies to the west of the mini-roundabout junction with the Kingsend / Wood Lane junction. The trees are visually prominent in this location, however, they are not protected by TPO as they are managed and safeguarded by the Council. With regard to the previous refusal, the Council's tree officer has advised:

The dropped kerb and driveway over council land will be built by the Council to a standard specification which will not allow for the prescribed technique put forward in the submission. According to the photographs within the report, the grass verge is on a raised level compared with the footway running between the verge and the front of the property. The footway and front of the property is at a lower level than the road. The finished driveway level will have to match that of the footway and it will not be possible to utilise the no dig construction because the prescribed construction method requires the driveway level to be raised at over the verge and tree roots - which will not feather in to the footway level without excavation of the verge. Notwithstanding the mitigating methodology proposed in the arboricultural method statement, this construction technique is not considered to be feasible due to the existing levels across the verge. The crossover cannot and will not be able to protect the tree, regardless of the supporting information submitted.

The Landscape Officer's comments and points raised have in this scheme been addressed, with particular reference to the impact on trees of the driveway proposed however, this does not overcome the previous reason for refusal as the methods are not feasible and cannot be realised on site.

The application fails to adequately address the former reason for refusal and is accordingly recommended for refusal.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The applicant has failed to demonstrate that the third party (highway) trees will be unaffected by the development and has not made provision for their long term protection. As such the proposal would result in harm to the character and appearance of the area and be contrary to Policies DMHB11, DMHB12 and DMHB14 of the Hillingdon Local Plan - Part Two (2020).

INFORMATIVES

- 1** In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Standard Informatives

- 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 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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The spatial development strategy for London consolidated with alterations since 2011 (2016) and national guidance.

Part 1 Policies:

Part 2 Policies:

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