

Report of the Head of Planning & Enforcement Services

Address 21 ELTHORNE ROAD UXBRIDGE

Development: Part two storey, part single storey rear extension involving demolition of detached garage to side

LBH Ref Nos: 68031/APP/2011/2745

Drawing Nos: Location Plan to Scale 1:1250
2967/01 Rev. B
2967/02 Rev. D
Design and Access Statement

Date Plans Received: 08/11/2011 **Date(s) of Amendment(s):** 08/11/2011
Date Application Valid: 08/11/2011 17/04/2012

1. **SUMMARY**

The application is for planning permission for the erection of a first floor side extension and single storey side extension to the Militia Canteen Public House. The proposed extension would create a new games room at ground floor level and a kitchen for the preparation of food for sale in the public house at first floor level. As part of the development an existing double garage block within the curtilage of the site would be demolished, with two new parking spaces provided.

The proposed development would be considered to preserve the character and appearance of the existing building and wider Conservation Area, whilst also protecting the residential amenity of the neighbouring occupiers. The additional floor space would not be considered to place an unacceptable burden on parking in the area, nor give rise to significantly harmful anti-social behaviour within the area. Therefore, the application is recommended for approval.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 COM3 **Time Limit**

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 COM4 **Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number 2967/02 Rev. D and shall thereafter be retained/maintained for as long as the development remains in existence. Furthermore no tables or chairs shall be placed to the front of the premises.

REASON

To ensure the development complies with policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the London Plan (July 2011).

3 COM5 General compliance with supporting documentation

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:
Car Parking Layout [2967/02 Rev. D].

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence

REASON

To ensure that the development complies with the objectives of Policies AM7 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 COM7 Materials (Submission)

No development shall take place until details of all materials and external surfaces have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policies BE4 & BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 NONSC Non Standard Condition

No development shall take place until plans at a scale of 1:5 showing details of the timber sash windows, eaves and corbel of the extension hereby permitted have been submitted to an approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policies BE4 & BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

6 COM9 Landscaping (including refuse/cycle storage)

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping

1.a Planting plans (at not less than a scale of 1:100),

1.b Written specification of planting and cultivation works to be undertaken,

1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

2. Details of Hard Landscaping

2.a Refuse Storage

2.b Cycle Storage

2.c Means of enclosure/boundary treatments

2.d Car Parking Layouts (including demonstration that 5% of all parking spaces are served by electrical charging points)

- 2.e Hard Surfacing Materials
- 2.f External Lighting
- 2.g Other structures (such as play equipment and furniture)

- 3. Living Walls and Roofs
 - 3.a Details of the inclusion of living walls and roofs
 - 3.b Justification as to why no part of the development can include living walls and roofs

- 4. Details of Landscape Maintenance
 - 4.a Landscape Maintenance Schedule for a minimum period of 5 years.
 - 4.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

- 5. Schedule for Implementation

- 6. Other
 - 6.a Existing and proposed functional services above and below ground
 - 6.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of the London Plan.

7 COM28 Visibility Splays - Pedestrian

The access for the proposed car parking shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.

REASON

In the interests of highway and pedestrian safety in accordance with policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

8 RES13 Obscure Glazing

The first floor bathroom window in the southern side elevation 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).

9 NONSC Non Standard Condition

The development hereby permitted shall not be first occupied until CCTV cameras to monitor the corridor adjacent the toilet area and the beer garden have been installed. Thereafter the cameras shall be permanently retained and kept in operation in accordance

with the manufactures specification for as long as the development remains in existence.

REASON

To ensure the protection of residential amenity of the neighbouring occupiers in accordance with Policies BE19 and OE3 of the adopted UDP (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 (July 2011) and national guidance.

BE4	New development within or on the fringes of conservation areas
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.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM7	Consideration of traffic generated by proposed developments.
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

3 I1 **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 I15 **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 which are audible at the site boundary shall only be carried out between the hours of 08.00 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 or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

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

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) 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.

5 I2 **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.

6 I3 **Building Regulations - Demolition and Building Works**

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

7 I5 **Party Walls**

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

carry out work to an existing party wall;
build on the boundary with a neighbouring property;
in some circumstances, carry out groundworks within 6 metres of an adjoining building.
Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

8 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to the Milita Canteen Public House, located on the eastern side of Elthorne Road. The site is a corner plot as Elthorne Road turns into Viller Street, with the main architectural frontage of the building facing towards Elthorne Road.

The building is a two storey Victorian public house and is typical of this period with shallow pitched roof, symmetrical elevations and pilasters in the corners. The building has undergone a flat roofed two storey side extension, which is set well back from the principal elevation of the property.

The site has an outdoor beer garden situated to the side of the building and within this area is a detached garage block, which is not accessible for patrons visiting the public house by vehicle.

At the time of submission the site had several mature Leyland Cypress trees adjacent to the southern side boundary line. During the course of this application, consent has been granted for the removal of these trees and they have subsequently been felled. The applicant has recently replaced these trees with Silver Birches to retain some level of foliage on this boundary of the site.

The application property shares a party wall with Nos. 22 & 22a Villers Road, which is a business unit at ground floor level that hires and stores fruit machines (this business is not connected to the application at the public house) and a residential flat at first floor level, which is accessed via an external staircase from the car park to the rear of the building.

The site is located within a Developed Area and within The Greenway Conservation Area as identified in the policies of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

The application seeks planning permission for the erection of a first floor side extension and a single storey side extension, involving the demolition of the existing garage block within the site.

The proposed first floor extension would extend 1.5 metres forward of the existing two storey extension and would have a width of 3.6 metres, equal to the existing. The first floor extension would also result in a hipped roof to cover the existing and proposed extensions, which would be set 0.5 metres down from the ridgeline of the original roof.

The proposed single storey side extension would extend 4 metres past the side elevation of the existing ground floor extension to create a new games room within the public house. In addition, the existing ground floor extension would extend forward by 0.5 metres, in order to create a flush front building line with the extensions on the building. The single storey extension would have a pitched roof design, which would incorporate alterations to the roof above the existing single storey extension.

In addition, two new parking spaces would be provided within the site, which would be accessed using the existing crossover from Elthorne Road.

3.3 Relevant Planning History

68031/APP/2011/2148 21 Elthorne Road Uxbridge

Part two storey part single storey rear extension involving demolition of detached garage to side

Decision: 02-11-2011 Withdrawn

Comment on Relevant Planning History

The current application is a resubmission of a previous scheme at the site (LBH Ref: 68031/APP/2011/2148) for a similar first floor side extension and single storey side extension.

This application was withdrawn after an objection from Conservation and Urban Design officer over the design of the previous submission. This application has been entered after consultation with the aforementioned team. The first floor extension has been set further back from the principal elevation with a pitched roof erected over the single storey extension, in line with their comments.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

- BE4 New development within or on the fringes of conservation areas
- 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.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM7	Consideration of traffic generated by proposed developments.
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **21st December 2011**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Site Notice: Erected 30th November 2011

Press Advertisement: Placed 30th November 2011

42 neighbouring dwellings were notified of the proposed development, including No.22 Villers Road who shares a boundary line with the application site. It should be noted that letters were issued twice as there were complaints that some residents did not get the initial consultation letter.

A number of neighbouring dwellings who objected to the previous application (LBH ref: 68031/APP/2011/2148) were not notified of the resubmission and a number of neighbouring dwellings did not receive their consultation letters. Therefore, the previous 38 neighbouring dwellings and 4 additional ones were notified of the proposed development on 8th December 2011.

An additional consultation letter was sent to No.22a Villers Road on 17th February 2012, after access to this site had been gained.

By the close of the 2nd consultation period on 9th March 2012, 9 neighbour responses objecting to the proposed development had been received. A number of these related to the lack of consultation

prior to the second consultation period. The other objections were on the following grounds:

- i) Harm to the character and appearance of the surrounding Conservation Area.
- ii) Lack of parking within the site and impact to on-street parking in the surrounding area.
- iii) Impact on traffic in the area and potential harm to pedestrian safety.
- iv) Increase in the size of the public house with no increase in surveillance or direct management plans.
- v) Increased noise disturbance to neighbouring dwellings.
- vi) Increase in anti-social behaviour in the surrounding area, with a history of anti-social behaviour associated with the building.
- vii) Loss of trees within the site.
- viii) The loss of an area of the beer garden would result in patrons using the land in front of the building.
- ix) The public house is not used by local residents.
- x) There are a number of other public houses in surrounding area

The issues raised within comments i) to viii) are considered in the main body of the report.

In relation to points ix) and x) these are not planning matters.

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. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Recent legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk.

METROPOLITAN POLICE - Crime and Prevention Design Adviser:

The extension is a minor addition to the existing public house, therefore no objection is raised. However, a condition should be attached for CCTV to be installed to cover the toilet area and rear garden.

UXBRIDGE SAFER NEIGHBOURHOOD TEAM:

The site previously had a number of issues a couple of years ago. The issues were:

1. Customers sitting outside the front of the venue on benches and table, swearing and abusing/intimidating residents. The Licensing Manager contacted the brewery who asked the landlord prior to the applicant to remove the benches. A condition stating no benches or table at the front would prevent this happening again. The front is a sun trap which is why it was popular.

2. Noise from the TV - music and football during the Summer when the doors/windows were open.
3. Customers parking in residential bays near by, and on the double yellow lines outside.

All of these problems appear to have died down under the current landlord.

METROPOLITAN POLICE - Licensing Division:

The public house did have problems in 2009 and 2010, but it has got much better since then. The trouble was caused by the benches being out the front resulting in loud behaviour and swearing, with some drug related issues. A public meeting was organised and we went back to the licensee with the case against them. The benches were subsequently moved and the site has [not] really been a problem for a long time.

Internal Consultees

URBAN DESIGN AND CONSERVATION:

This is an attractive two storey early Victorian public house within the Greenway Conservation Area. It is associated with the earlier Militia Barracks and has architectural as well as historic significance within the area.

The building is on a prominent corner with Villier Street and Elthorne Road, and is typical of its period, shallow pitched roof with symmetrical elevations and pilasters in the corners. Windows are in timber with simple cill details and key stones, arches probably hidden behind the render. The building's main access is from Villier Street, which would be considered the front elevation of the building.

The building currently has a flat roof two storey addition, well set back from the elevation facing Villier Street. The scheme proposes to replace this with a part two storey extension and add a further single storey extension.

Following previous comments, the scheme has been amended. The extension has been further set back. The single storey extension follows the ridge height of the existing structure and is appropriate in terms of design. Overall the extension appears traditional and would not be considered detrimental to the appearance of the building. It is, therefore, acceptable. The following conditions should be attached:

1. All materials including colour of render and roof should match existing and samples of slates and RAL spec for render should be submitted to the council prior to works on site.
2. Details of the eaves and corbel should match existing and a drawing at a scale of 1:5 should be submitted for further approval.
3. All windows should be traditional in appearance, i.e. timber sash to match existing. Detailed drawings at scale 1:5 should be submitted for the same.

Conclusion: Acceptable with conditions.

TREES AND LANDSCAPING:

Tree Preservation Order (TPO)/Conservation Area: This site is not covered by a TPO, however it is within The Greenway Conservation Area and therefore all trees on-site are protected by virtue of their location within it.

Significant trees/other vegetation of merit in terms of Saved Policy BE38 (on-site): There are several small trees (planted in large pots) within the rear beer garden, however these can be moved and are not a constraint. There are also several mature Leyland Cypress trees to the rear of the site,

however these are in the process of being removed (permission recently given).

Significant trees/other vegetation of merit in terms of Saved Policy BE38 (off-site): N/A

Scope for new planting: During a recent site visit, the applicant stated plans to landscape the rear of the pub beer garden with several new trees (Silver Birch, to match one recently planted). Therefore, as part of the scheme, a landscaping scheme should be submitted.

Does scheme conform to HDAS (yes/no): N/A

Does scheme conform to SUDS (yes/no): N/A

Recommendations: A landscape plan should be submitted to show The planting of new trees/shrubs in the pub beer garden.

Conclusion (in terms of Saved Policy BE38): Acceptable, subject to conditions TL5 (planting plans, schedule of plants and implementation programme) and TL6.

TREES AND LANDSCAPING (updated comments on submitted Landscaping Plan):

The proposed *Acer cappadocicum* is ultimately a very large tree and a *Sorbus aria* 'Lutescens', to match the nearby proposed one, would be more suitable. The proposed *Acer drumondii* is also an ultimately large tree and will outgrow the neighbouring proposed Silver Birches. Two Silver Birches, to match the nearby proposed one, would be more suitable. A maintenance schedule should be provided for the beech hedges (as they will grow very large without regular pruning). The 'beds edged with wooden sleepers' should be wider (currently only 500 mm wide) to accommodate the future growth of the proposed trees. The plans should be amended to address the above points.

Case Officer Comments: A condition is recommended requiring the landscaping plans at the site to be submitted in line with the above requirements of the landscaping officer.

HIGHWAYS AND TRANSPORTATION:

The existing end of terrace property is currently trading as a public house, located on the corner of Villier Street and Elthorne road which is unclassified.

Villier Street, Elthorne Road and the surrounding area is densely populated residential area and parking is controlled with marked bays for resident permit from 9.00am-5.00pm.

The existing pub currently benefits from two garages on the side/rear garden which complies with minimum standard required by the Council's UDP. Currently no other parking arrangements are offered to staff or customers.

The proposal is to demolish existing garages and construct part two storey part single storey extension, with no off street parking, proposing to expand the ground floor area for pub use and make use of a two bedroom self contained first floor flat.

Policy AM14 of the UDP refers to the Council's vehicle parking standard contained in the Annex 1. The standard requires minimum of two parking spaces for A4 use and one vehicle parking spaces for a two bedroom dwelling, with a total of five covered and secure cycle stands, which the applicant may be able to accommodate within the rear garden, by converting part of the rear garden space into hard standing for off street parking.

In the absence of these issues being satisfactorily addressed, the proposals cannot be supported on Highways grounds and are therefore considered to be contrary to the Council's Policies AM7, AM9

and AM14 and is therefore recommended to be refused.

Case officer comments: Following the comments from the Highways Officer the applicant has submitted an amended plan showing the provision of two parking spaces within the site. As the development would have a zero-sum gain for parking in the area, the Highways Officer has no further objection on these grounds.

ENVIRONMENTAL PROTECTION UNIT:

The following needs to be taken into consideration should the scheme be recommended for approval.

Building Regulation Informative:

You are advised that the Building Regulations impose requirements for sound insulation between residential unit in a commercial premises, including provision of Sound Insulation. You should therefore ensure that the sound insulation of walls and floors forming separating structures between the proposed new flats is sufficiently enhanced to control the passage of any sound from the Public House. Compliance with these requirements may be subject to detailed design checks by the Building Control section of the Local Authority.

Please also attach the Construction Site Informative.

ACCESSIBILITY OFFICER:

In assessing this application, reference has been made to London Plan July 2011, Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document: Accessible Hillingdon adopted January 2010.

As the existing appears to be inaccessible, the proposed extension does not lend itself to the Lifetime Home Standards. It is therefore recommended that the above policy is not applied in this instance.

Conclusion: acceptable

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application is for an extension to a public house, which would create an additional 16.4 square metres of internal floor space within the property. As the development is an extension to an existing A4 unit, the development would not be contrary to any Policies contained within the UDP (Saved Policies September 2007). Therefore, the principle of extending the public house would be considered acceptable.

7.02 Density of the proposed development

Not applicable to this application.

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

The application site is located within The Greenway Conservation Area. Policy BE4 of the adopted UDP (Saved Policies September 2007) states that new development within Conservation Areas will be expected to preserve or enhance those features which contribute to their special architectural and visual qualities.

In terms of the first floor extension, the proposal would be set back 1.6 metres from the original principal elevation and the flat roof design would be replaced with a hipped roof which would be set 0.5 metres down from the original roof slope. The width of the extension would be same as the existing first floor side extension and the overall design

would be considered an improvement to the appearance of the building, when compared to the existing flat roofed extension.

In terms of the ground floor side extension, the proposed development would be built forward of the existing extension and would also result in the demolition of an unused garage block which is an incongruous addition in the rear garden of the site. Compared to the previously withdrawn scheme, a pitched roof has been added to the ground floor extension to ensure the width and design of the extension fits harmoniously with the appearance of the existing building.

Whilst the overall development would increase the form of the building, the design would be considered more in keeping with the architectural appearance of the original property, when compared to the existing extension. Therefore, the development is considered to at least preserve the character and appearance of the Conservation Area, in compliance with Policies BE4, BE13, BE15 and BE19 of the adopted UDP (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

This is covered in Section 7.03.

7.08 Impact on neighbours

The building attached to the application property, No. 22 Viller Street, is separated into a ground floor commercial business and an upper floor residential flat No. 22a Viller Street, with a private car parking area on the land behind its rear elevation.

At first floor level the proposed development would not extend past the side elevation of the existing first floor side extension. Therefore, no additional conflict of the 45 degree guideline would occur from the windows in the rear elevation of the upper floor flat, No. 22a Viller Street. Whilst the roof above this section would increase in height by 0.7 metres, this section of roof would pitch away from this neighbouring property and would also hip back towards the application building, ensuring no significant loss of light would occur.

The proposed first floor extension would come no closer to the neighbouring dwellings to the south, Nos. 23, 25 & 27 Elthorne Road, than the existing extension. Furthermore, the 1.5 metres forward extension at first floor level would not be considered to significantly impact the dwellings to the west on the opposite side of the road. Therefore, the proposed development would cause no significant harm to the residential amenity of any neighbouring occupier in terms of loss of light, loss of outlook or sense of dominance. Therefore, the development would comply with Policy BE20 and BE21 of the adopted UDP (Saved Policies September 2007).

In terms of loss of privacy to neighbouring occupiers, the proposed development would create a clear glazed window in the principal elevation of the extension at first floor level. However, the views from this window would provide a similar aspect of the neighbouring dwellings to the west on the opposite side of Elthorne Road, as the existing bedroom windows in the property. Therefore, the first floor side extension would not be considered to

cause significant additional harm to the residential amenity of these neighbouring occupiers in terms of overlooking and loss of privacy. The proposed window at first floor level in the side elevation would be to a bathroom and would be best served as obscure glazed. Therefore, a condition relating to this is recommended. With this condition attached, the proposed development would be considered to comply with Policy BE24 of the adopted UDP (Saved Policies September 2007).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The highways officer raised an objection to the proposed development as it would result in the loss of the detached garage block and two parking spaces within the site. The applicant has stated that these garages are not used for parking and are currently in use as storage. However, the original premise of the garages would have been to provide some form of off-street parking for use by the landlord or possibly the customer of the public house. Therefore, regardless of their redundancy, objection would be raised to the loss of potential parking within the site.

To overcome this objection, the applicant has submitted an amended plan showing the provision of two parking spaces within the curtilage of the pub in a location adjacent to the previous garage block. These spaces would be accessed using the existing crossover and gated access point and no objection is raised to the siting of the parking spaces on pedestrian or highway safety grounds.

A number of neighbours have objected to the proposed scheme as there is an existing shortage of on-street parking spaces to service the residential dwellings on Elthorne Road. The existing on-street parking is a Controlled Parking Zone prohibiting parking between 9am to 5pm Monday - Fridays.

The only room the proposed development would add which is accessible by the patrons of the public house would be the downstairs Games Room. This room would provide 12.15 square metres of internal floor area for patrons use. It is considered that a proportion of the additional custom attracted would not drive to the public house, based on the assumption they would be consuming alcoholic beverages. Therefore, given the size of additional space provided, the extension would be considered not to place such an additional burden upon on-street parking to prejudice the free flow of highway traffic and would be in compliance with Policy AM14 of the adopted UDP (Saved Policies September 2007).

7.11 Urban design, access and security

The Metropolitan Police and its Licensing Division have received a number of complaints in the past with regards to the application site due to noise disturbance and anti-social behaviour. However, it is noted that the vast majority of the complaints were from a period prior to the occupation of the public house by the applicant.

The Metropolitan Police, the Safer Neighbourhoods Team and the Licensing Division have all been notified of the proposed development and all have commented on the improvement in anti-social behaviour at the site since the applicant became landlord. None of these bodies have raised an objection to the proposal on the basis that a condition relating to the provision of CCTV in the toilet and garden areas should be added to monitor these areas, given the increase in the size of the building.

7.12 Disabled access

The proposal has been reviewed by the Accessibility Officer who states that the existing building and landlord's dwelling appears to be inaccessible for wheelchair access and the

proposed extension does not lend itself to the Lifetime Home Standards. Therefore, it is recommended that the development is considered acceptable in this matter.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

During the course of the application process, several mature Leyland Cypress trees were removed, with permission, from the rear of beer garden, adjacent to the southern side boundary line of the site. The applicant submitted an updated landscaping plan which the Trees and Landscaping Officer felt could be improved upon.

Subsequent to the updated Landscaping Plan an amendment was required to the scheme to provide a parking area within the site. Whilst a satisfactory landscaping scheme has not been provided, this could be conditioned to be provided and agreed by the Local Planning Authority as part of any approval. Therefore, no objection is raised to the scheme on landscaping grounds and the application would comply with Policy BE38 of the adopted UDP (Saved Policies September 2007).

7.15 Sustainable waste management

The provided plans do not indicate the location of a refuse storage area within the site. As sufficient space would be available within the site to provide this, the landscaping condition, which should be added to any approval, will include the requirement to provide these details for approval by the Local Planning Authority.

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

The proposed ground floor side extension would retain a distance separation of 19.3 metres to the side elevation of Nos. 23, 25 & 27 Elthorne Road and minimum distance of 19.1 metres to the principal elevation of the flats on the opposite side of Elthorne Road.

The proposed development has been reviewed by the Environmental Protection Unit who have advised that building regulations would impose requirements for sound insulation between any commercial premises and a residential unit. Therefore, they have not asked for any condition to be attached relating to sound insulation, with only an informative added to any approval informing the applicant of this building regulations requirement.

Given the distance separation and the sound insulation measures required by building regulations, the proposed development would cause no significant harm to the residential amenity of any neighbouring occupier in terms of noise disturbance. Therefore, the development complies with Policy OE3 of the adopted UDP (Saved Policies September 2007).

7.19 Comments on Public Consultations

No further comments in relation to the public consultations.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application..

7.22 Other Issues

No other issues for consideration.

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 proposed development would be considered to preserve the character and appearance of the existing building and wider Conservation Area, whilst also protecting the residential amenity of the neighbouring occupiers. The additional floor space would not be considered to place an unacceptable burden on parking in the area, nor give rise to significantly harmful anti-social behaviour within the area. Therefore, the application is recommended for approval.

11. Reference Documents

Hillingdon Unitary Development Plan (Saved Policies September 2007).
Hillingdon Design and Access Statement 'Residential Layouts'.
Supplementary Planning Document 'Accessible Hillingdon'
Supplementary Planning Document Noise.
The London Plan 2011.
National Planning Policy Framework.

Contact Officer: Alex Smith

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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Site Address

**21 Elthorne Road
Uxbridge**

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

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111

Planning Application Ref:

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Scale

1:1,250

Planning Committee

Central and South

Date

**February
2012**



HILLINGDON
LONDON