

Report of the Head of Planning & Enforcement Services

Address 1-8 (INCLUSIVE), BREAKSPEAR MEWS BREAKSPEAR ROAD NORTH
HAREFIELD

Development: Regularisation of building work that has already been carried out within Units 1 and 2, involving the removal of two courtyard dormers and completion of the car ports.

LBH Ref Nos: 7902/APP/2009/2480

Drawing Nos: Design and Access Statement
113/2009/01A
113/2009/05A
113/2009/02A
113/2009/03A
113/2009/04A
113/2009/06A

Date Plans Received: 16/11/2009 **Date(s) of Amendment(s):**

Date Application Valid: 01/12/2009

1. SUMMARY

This application seeks to regularise the planning situation relating to numbers 1 and 2 Breakspear Mews, as the works were not carried out in accordance with the approved drawings attached to planning permission ref: 7902/D/96/1275.

The remedial works include the removal of 2 dormer windows facing onto the courtyard above the uncompleted car ports and completion of the car ports to provide 4 covered parking spaces, as per the original consent. The application also seeks to retain the variations to the approved scheme involving the retention of 5 court yard dormers and modifications to the roof, to provide one additional bedroom in the roof space of each unit. Given that the application site falls within the curtilage of the Grade I Listed Building, Listed Building Consent is also required for the proposal.

The principle of residential development on this site has already been established by virtue of the Secretary of State's grant of planning permission, for the conversion of Breakspear Stables to 6 residential units. The impact of the proposals on the Green Belt compared with the previous approval will be negligible, whilst the proposed modifications would not result in a detrimental impact on the street scene, on the setting of the Grade 1 listed Breakspear House or the Harefield Village Conservation Area.

It is not considered that the proposal would detract from the amenities of neighbouring occupiers, whilst the proposed development would provide good living conditions for all of the affected units.

No objections are raised on highway grounds. The proposed access arrangements and parking provision will remain the same as the approved scheme.

Should the current modifications be approved, it is considered that the current breach in planning control would have been addressed and there will be no requirement to pursue further enforcement action in relation to Units 1 and 2.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 NONSC Non Standard Condition

This planning permission is granted subject to the following stipulations:

- (i) A timetable for the substantial completion of the development permitted by this decision notice shall be submitted for the approval in writing by the Local Planning Authority within 3 months of the date of this notice of planning permission;
- (ii) The timetable for the substantial completion of the development hereby permitted by this decision shall not exceed a 6 month period from the date of the Local Planning Authority's approval of the timetable, to the last day of the substantial completion of the development permitted by this decision notice.
- (iii) If within 6 months of the date of this planning permission, the Local Planning Authority refuse to approve or do not determine the timetable within the prescribed period, a valid appeal shall have been made to the Secretary of State;
- (iii) If an appeal is made in pursuance of (iii) above, the development hereby permitted by this decision shall be substantially completed in accordance with the time table approved by the Secretary of State.

REASON

The existing building on site does not currently benefit from planning permission. This planning permission is intended to remedy this breach of planning control. In the interests of the proper planning of the area the authority is of the view that the remediation of the breach of planning control and the implementation of this planning permission should take place as expeditiously as reasonably possible.

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 Policies BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 RPD1 No Additional Windows or Doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved

REASON

- (i) To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).
- (ii) To ensure that the external appearance of the development is satisfactory and complies with Policies BE4, BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 NONSC Non Standard Condition

Samples of all materials and finishes to be used for all external surfaces of the building and the internal finishes of the car ports shall be submitted to and approved in writing by

the Local Planning Authority before commencement of any works. The materials to be used in the construction of external surfaces on the amended elements of the development hereby permitted shall match those used in the construction of the main form constructed on site at the date of this decision.

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 Policies BE4 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 H7 Parking Arrangements (Residential)

The car ports shown on the approved plans, shall be constructed, designated and allocated for the sole use of the occupants prior to the occupation of the development and thereafter be permanently retained and used for no other purpose.

REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

INFORMATIVES

1 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.

2 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 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 I25A The Party Wall etc. Act 1996

On 1 July 1997, a new act, The Party Wall etc. Act 1996, came into force.

This Act requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:-

- 1) carry out work to an existing party wall;
- 2) build on the boundary with a neighbouring property;
- 3) 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. Building Control will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by Building Control should be taken as removing the necessity for the building owner to comply fully with the Act.

4 13 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).

5 152 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).

6 153 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.

AM14	New development and car parking standards.
BE10	Proposals detrimental to the setting of a listed building
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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.

BE4	New development within or on the fringes of conservation areas
BE8	Planning applications for alteration or extension of listed buildings
PPS5	Planning for the Historic Environment

7 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

This application relates to Breakspear Stables (now known as Breakspear Mews), located on Breakspear Road North in Harefield. The stables originally served Breakspear House, a Grade I Listed Building, currently undergoing works for conversion to apartments, with enabling development.

The rear wall of the stables forms the roadside boundary with Breakspear Road North. Access is via a drive to the north of Breakspear Cottage, which ultimately leads to Breakspear House to the south. The front of the 'stables' face the drive, with an enclosed courtyard; the central element was formally a two-storey a hay barn. The existing building is of an attractive traditional appearance (brick and tile construction).

The application relates to units 1 and 2, located at the north west end of the former stable block. The original site also encompassed part of the paddock which lies to the south of the access track, plus a small piece of land on the opposite side of Breakspear Road North.

The site falls within both the Harefield Village Conservation Area and the Green Belt as designated in the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3.2 Proposed Scheme

This application seeks to regularise the planning situation relating to numbers 1 and 2 Breakspear Mews, as the works were not carried out in accordance with the approved drawings attached to planning permission ref: 7902/D/96/1275.

The overall approval consisted of 6 residential units. Remedial works have been carried out to units 7 and 8, which are under separate ownership, converting them back to car ports to serve units 3, 4, 5 and 6, in accordance with the consented scheme.

This application relates only to units 1 and 2. As approved, these should be 2, one bed units, comprising the end (northern) bays of the original east and west ranges, linked with a new flat roofed single storey building. This was to be positioned partly under and to the rear of an existing timber framed open shed, which housed 2 parking spaces. As built, the mews has undergone extensive rebuilding and alteration, so that none of the open cart sheds now remain. The current application seeks to return the partially converted storage buildings back to a covered parking area for 4 cars and to remove the dormers windows in the roofs over these areas. In addition, both units have been enlarged to include a further bedroom, by building a pitched roof over the new link, raising the ridges of the adjacent

structures by up to 1m and the inclusion of 5 dormer windows.

The remedial works to these units (as built) consists of:

1. Removal of 2 dormer windows facing onto the courtyard above the uncompleted car ports with new roof rafters and tiles, to infill the removed dormers, to reasonably match the existing roof
2. Completion of the car ports to provide 4 covered parking spaces, as per the original consent. This will involve opening up the wall facing onto the courtyard to provide car port entrances for 4 cars to serve units 1 and 2.

The application also seeks to retain the variations to the approved scheme involving the retention of 5 court yard dormers and modifications to the roof, to provide one additional bedroom in the roof space of each unit. Given that the application site falls within the curtilage of the Grade I Listed Building, Listed Building Consent is also required for the proposal. The corresponding application is dealt with under a separate submission.

3.3 Relevant Planning History

7902/APP/2009/2481 1-8 (Inclusive), Breakspear Mews Breakspear Road North Harefield
Regularisation of building work that has already been carried out within Units 1 and 2
(Application for Listed Building Consent.)

Decision:

7902/D/96/1275 Breakspear Livery Stables Breakspear Road North Harefield
Conversion of redundant stable buildings to form 3 one-bedroom houses and 3 two-bedroom houses

Decision: 06-06-1997 Approved **Appeal:** 06-06-1997 Allowed

7902/H/98/0319 Breakspear Riding & Livery Stables Breakspear Road North Harefield
Amendment to Listed Building Consent ref.7902C/94/ 1953 dated 26/10/95 involving repositioning of windows/door, changes to internal layout, reconstruction of entrance wall, replacement of roof and resiting of bin store; Conversion of former stables to 6 dwellings

Decision: 08-08-2001 Not Determined

Comment on Relevant Planning History

1904: stables were constructed and used in connection with Breakspear House.

1985: Stables used as a workshop in connection with the Colne Valley Trust.

26/10/95: Listed Building Consent was granted under reference 7902/C/94/1953 for works in connection with the conversion of the stables to 6 residential units comprising three, one bedroom dwellings and three, two bedroom dwellings, with provision of associated car parking spaces.

6/6/97: Secretary of State granted planning permission for the conversion of Breakspear Stables to 6 residential units. The planning application reference: 7902/D/96/1275, was the subject of a call in inquiry, the same inquiry heard an application to release the Stables from the 1938 Green Belt Act. This was also approved. This approved scheme allowed for 3 one bedroom units and three two bedroom units served by a total of 10

parking spaces. The one bedroom units are formed from the main element of the stable block, the rear wall of which adjoins Breakspear Road North.

In February 1998, planning (ref:7902/G/98/316) and Listed Building Consent (ref:7902/G/98/319) applications were submitted, seeking a series of amendments to the Secretary of State's grant of planning permission/grant of Listed Building Consent, for the conversion of Breakspear Stables to 6 residential units. These applications were withdrawn by the applicants.

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:

AM14	New development and car parking standards.
BE10	Proposals detrimental to the setting of a listed building
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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE4	New development within or on the fringes of conservation areas
BE8	Planning applications for alteration or extension of listed buildings
PPS5	Planning for the Historic Environment

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **10th February 2010**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

The application has been advertised as a development which would in the opinion of the Council affect the character and appearance of Harefield Village Conservation Area and the setting of the listed building known as Breakspear House.

12 adjoining occupiers were consulted and no representations have been received.

Harefield Village Conservation Panel: No response.

Harefield Residents' Association: No response.

Internal Consultees

URBAN DESIGN AND CONSERVATION OFFICER

CONSIDERATION: The current application refers to units 1 and 2 and their associated parking. As approved, these should be 2 one bed units, comprising the end (northern) bays of the original east and west ranges, linked with a new flat roofed single storey building. This was to be positioned partly under and to the rear of an existing timber framed open shed, which housed 2 parking spaces. A further 4 parking spaces were included within an open fronted cart shed which formed part of the south range.

As built the mews has undergone extensive rebuilding and alteration, so much so that none of the open cart sheds now remain. Until recently the mews contained 8 residential units, including two in what should have been a covered parking area. The other parking area (subject of these applications) had been partially converted to storage units. Following the threat of enforcement action, the number of units has been reduced to 6. This work, however, is not included within these applications and still requires to be regularised.

With regard to the current application for units 1 and 2, these seek to return the partially converted storage buildings back to a covered parking area for 4 cars, and to remove the dormer windows in the roofs over these areas. In addition, both units have been enlarged to include a further bedroom by building a pitched roof over the new link, raising the ridges of the adjacent structures by up to 1m and the inclusion of 5 dormer windows.

RECOMMENDATIONS: The current situation is far from ideal, however, considering the history of the site and the fact that the buildings had fallen into considerable disrepair and would have required extensive rebuilding, the loss of historic fabric that has occurred could probably not have been avoided.

Whilst ideally the new build should have replicated the originals, as proposed, the mews retains its essential character and the reinstatement of four of the parking spaces will relieve the problem of residents parking on the access road. The existing dormer windows are too numerous and slightly over large given the small scale of the buildings. The removal of the two dormers over the covered car parking area will improve this situation. The inclusion of painted timber folding doors to the garage areas would also improve the appearance of the courtyard. These are not currently shown on the drawings and were not discussed previously with the applicants. Recent works undertaken in the mews, however, have highlighted the need to screen the interior of the garages and this should be required by condition.

If possible, we should also seek to install gates at the entrance of the mews as originally agreed. (Case Officer Note: The gates have already been installed at the entrance of the mews as originally agreed).

The owners of units 1 and 2 should be given a limited period of time to put the proposed alterations in place.

(Case Officer Note: This has been covered by condition).

Within the same time frame, the owner of the remaining units should be required to submit an application to regularise the situation as regards his properties.

(Case Officer Note: These units are in separate ownership and do not form part of the application proposals).

Whilst not ideal, given the history of the site, the alterations shown are on balance, considered as acceptable.

HIGHWAY ENGINEER: No objection.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of residential development on this site has already been established by virtue of the Secretary of State's grant of planning permission, for the conversion of Breakspear Stables to 6 residential units (reference: 7902/D/96/1275). The development has been completed, although not in its approved form. However, as stated below, the current scheme as submitted, does not deviate substantially from the approved scheme.

As such, no objections are raised to the principle of the proposed modifications and the continued use of the Mews development for residential purposes.

7.02 Density of the proposed development

The proposal involves the loss of the floorspace above the car ports, in accordance with the approved scheme. No objections are raised in terms of the density of the development.

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

The buildings are considered as listed by virtue of being within the curtilage of Breakspear House, which is Grade I listed. Of particular relevance are Saved Policies BE8, BE9, BE10, BE11 and BE12. These seek to ensure that any development involving listed buildings or curtilage structures does not have any detrimental impact on the overall value of the structure or building.

The site also falls within Harefield Village Conservation Area. Saved Policy BE4 states that new development within or on the fringes of conservation areas will be expected to preserve or enhance the features, which contribute to the Conservation Area's special architectural or visual qualities.

In terms of the impact on the setting of the listed building and Conservation Area, the current application refers to only units 1 and 2 and the associated parking. As approved, these should be 2 one bed units, comprising the end (northern) bays of the original east and west ranges, linked with a new flat roofed single storey building. This was to be positioned partly under and to the rear of an existing timber framed open shed, which housed 2 parking spaces. A further 4 parking spaces were included within an open fronted cart shed which formed part of the south range (not part of this application).

The Urban Design and Conservation Officer notes that as built, the Mews has undergone extensive rebuilding and alteration, to the extent that none of the original open cart sheds now remain. It is also noted that until recently the Mews contained 8 residential units, including two in what should have been a covered parking area (units 7 and 8). However these units, which do not form part of the applicant's ownership, have already reverted back to car ports. Nevertheless, that work, which is not included within this application, still requires regularisation. The other parking area (subject of this application) had been partially converted to storage units.

With regard to the current applications for units 1 and 2, these seek to return the partially converted storage buildings back to a covered parking area for 4 cars, and to remove the dormer windows in the roofs over these areas. In addition, both units have been enlarged to include a further bedroom, by building a pitched roof over the new link, raising the ridges of the adjacent structures by up to 1m, and by the inclusion of 5 dormer windows.

Permission is sought to retain these alterations to the roof, compared with the approved scheme.

The Urban Design and Conservation Officer considers that given the history of the site and the fact that the buildings had fallen into considerable disrepair and would have required extensive rebuilding in any case, the loss of historic fabric that has occurred could probably not have been avoided. Whilst ideally the new build should have replicated the originals, it is considered that as proposed, the Mews retains its essential character and the reinstatement of four of the parking spaces will relieve the problem of residents parking on the access road.

In terms of design, the Urban Design and Conservation Officer considers that the existing dormer windows are too numerous and slightly over large, given the small scale of the buildings. The removal of the two dormers over the covered car parking area will improve this situation. No objections are raised to the retention of the other 5 inward facing courtyard dormers, and modifications to the roof structure of the central link. These modifications would be mainly apparent from within the courtyard and are relatively minor in nature. The Urban Design and Conservation Officer therefore raises no objections in design terms.

The Urban Design and Conservation Officer has suggested that the inclusion of painted timber folding doors to the garage (car port) areas would also improve the appearance of the courtyard. However, as highlighted by recent works undertaken in the Mews (units 7 and 8), the car ports are substandard in terms of internal dimensions, being only 4.3 metres deep. The inclusion of garage doors would therefore preclude the use of the car ports to anything other than smaller vehicles, thereby compromising their ability to provide effective off street parking for the development. As a compromise, it is recommended that areas, given that as part of the unauthorised development, they were intended to form habitable rooms with an inappropriate high standard of internal finish. A condition is recommended to address this issue.

Overall, whilst not ideal, given the history of the site, the alterations shown are on balance, considered acceptable. It is not considered that they would have a detrimental impact on the setting of the Grade 1 listed Breakspear House or the Harefield Village Conservation area, in compliance with Saved Policies BE4 and BE10 of the UDP.

7.04 Airport safeguarding

There are no airport safeguarding issues related to this development.

7.05 Impact on the green belt

Saved Policy OL4 establishes criteria where replacement or extension of buildings within the Green Belt would be considered appropriate. It would need to be demonstrated that the proposed replacement development would not have a detrimental effect on the visual amenity of the Green Belt. Should the scheme be considered to have disproportionately changed the bulk of the buildings, very special circumstances would also need to be demonstrated and the scheme treated as a departure if minded to grant permission.

Comparing the impact on the Green Belt of the previous approval with the current proposal, the impact in terms of visual amenity and activity is considered to be comparable. There is only a marginal increase in the bulk of the proposed building compared with the approved scheme, by virtue of minor modifications to the design of the roof. The principle of the proposed changes can therefore be established through Saved Policy OL4.

7.06 Environmental Impact

Not applicable to this development.

7.07 Impact on the character & appearance of the area

No elevational changes are proposed on the north east elevation facing Breakspear Road North. The proposed dormer windows would not be visible externally from views outside the Mews development. As such, the proposed modifications would not result in a detrimental impact on the street scene, in compliance with Saved Policies BE13 and BE19 of the UDP. The impact on the development on the wider Harefield Conservation Area has been dealt with elsewhere in this report.

7.08 Impact on neighbours

Policy BE24 of the UDP Saved Policies September 2007 seeks to ensure that the design of new buildings protects the privacy of the occupiers and their neighbours. In this case the opposing dormer windows above the car ports are to be removed, whilst the 2 dormers in the central wing are at 90 degrees to the 3 dormers in the south west elevation, thereby falling completely outside the 45 degree angle of vision. It is considered that the relevant minimum overlooking distances can be achieved, as the Mews building is sited a considerable distance away from adjoining properties.

Policy BE21 of the Unitary Development Plan Saved Policies September 2007 states that

planning permission will not be granted for new development, which by reason of its siting, bulk and proximity, would result in a significant loss of residential amenity of established residential areas. There is no change to the footprint of the development, whilst the massing of the development remains fundamentally the same as the approved scheme. It is not therefore considered that the proposal would result in an over dominant form of development which would detract from the amenities of neighbouring occupiers, in compliance with Policy BE21 of the UDP Saved Policies September 2007.

saved Policy BE20 of the Unitary Development Plan states that the Local Planning Authority will seek to ensure that buildings are laid out so that adequate daylight, sunlight and amenities of existing houses are safeguarded. It is not considered that there would be a material loss of daylight or sunlight to neighbouring properties, as the building is sited a sufficient distance away from adjoining properties. It is also considered given its layout that there will be a good level of day lighting for the proposed development. The proposal is considered to be consistent with Policies BE20, BE21 and BE24 of the UDP Saved Policies September 2007 and relevant design guidance.

7.09 Living conditions for future occupiers

In terms of living conditions for future occupiers, the proposals seek only minor modifications to the internal layout and roof form of the approved scheme and it is considered that the proposed development would provide good living conditions for all of the proposed units in accordance with Saved Policies BE23, BE24, OE1 and OE5 of the UDP, HDAS Residential Layouts and the provisions of the London Plan.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The Council's Highways Engineer raises no objection to the development in terms of the impact of the traffic generated on the highway network or the proposed access arrangements, which remain the same as the approved scheme.

With regard to parking, 4 car parking spaces have been provided for the units, which at a ratio of 2 spaces per unit, complies with Council's Parking Standards.

7.11 Urban design, access and security

These issues are dealt with elsewhere in the report.

7.12 Disabled access

Not applicable. There will be no changes to the internal layout other than the deletion of floorspace above the car ports.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

The proposed modifications are to the building only and will not affect the landscaping on the site.

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

Not applicable to this application.

7.19 Comments on Public Consultations

None.

7.20 Planning Obligations

The proposal would not give rise to any impacts which would need to be mitigated by way of planning obligations.

7.21 Expediency of enforcement action

In 1995 Listed Building Consent was granted for conversion of the buildings to 6 residential units, three 2 bed and three 3 bed units, with 10 parking spaces located in three original open sheds within the mews. In 1997, following an appeal (the application as referred to the Secretary of State as a departure), planning permission was granted for the works.

In 1998 applications for amendments to the approvals were received. These included additional rebuilding works resulting from the deteriorating condition of the buildings, changes to the fenestration, internal layout changes and the inclusion of 3 dormer windows. A building condition report and a ground condition survey were included with the supporting information. The proposed ground works included the underpinning of the buildings and the structural survey noted extensive cracking to most walls. It advised that the rebuilding of the walls fronting the driveway was necessary, thus the rebuilding of the open sheds would be required. The removal and replacement of all of the roofs was advised, plus the removal of all bonding timbers and timber lintels as result of extensive beetle infestation. It appears that the buildings had been badly neglected and vandalised, and as a result were in a very poor condition.

Following this, funding for the scheme was lost and despite the Council's in principle support, the application for planning permission was withdrawn and the Listed Building Consent not determined. Notes on the files indicate that unauthorised works had been noted in 2001 including the demolition of the open cart shed adjacent to the access road.

It appears that despite initial negotiations, these issues were not resolved. In 2008, it came to the attention of the Council that the development as built, substantially deviated from the approved plans. The major deviations that were identified included;

- Unauthorised construction of two residential premises (previously open garaging) totalling 8 residential units, where 6 were approved.
- Construction of a garage doors to the North East Elevation.

- Additional dormer windows.
- Internal layout deviations.
- Various fenestration elements

Since 2009 negotiations have occurred with site owners to try to resolve the breaches, which has culminated in submission of the current planning and listed building application.

Should the current modifications be approved, it is considered that the current breach in planning control in relation to Units 1 and 2 would have been addressed and there will be no requirement to pursue further enforcement action.

A condition is recommended requiring the owners of units 1 and 2 to submit a time table for the completion of the remedial works within three months of the date of this permission. The time table should stipulate that such works must be completed no longer than 6 months from the date of the Local Planning Authority agreeing the timetable.

7.22 Other Issues

There are no other issues associated with this development.

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

The principle of residential development on this site has already been established by

virtue of the Secretary of State's grant of planning permission, for the conversion of Breakspear Stables to 6 residential units.

Comparing the impact on the Green Belt of the previous approval with the current proposal, the impact in terms of visual amenity and activity is considered to be comparable. There is only a marginal increase in the bulk of the proposed building compared with the approved scheme.

No objections are raised in design terms. The proposed modifications would not result in a detrimental impact on the street scene, on the setting of the Grade 1 listed Breakspear House or the Harefield Village Conservation Area.

It is not considered that the proposal would detract from the amenities of neighbouring occupiers, whilst the proposed development would provide good living conditions for all of the affected units.

The impact of the traffic generated on the highway network is negligible whilst the proposed access arrangements and parking provision will remain the same as the approved scheme.

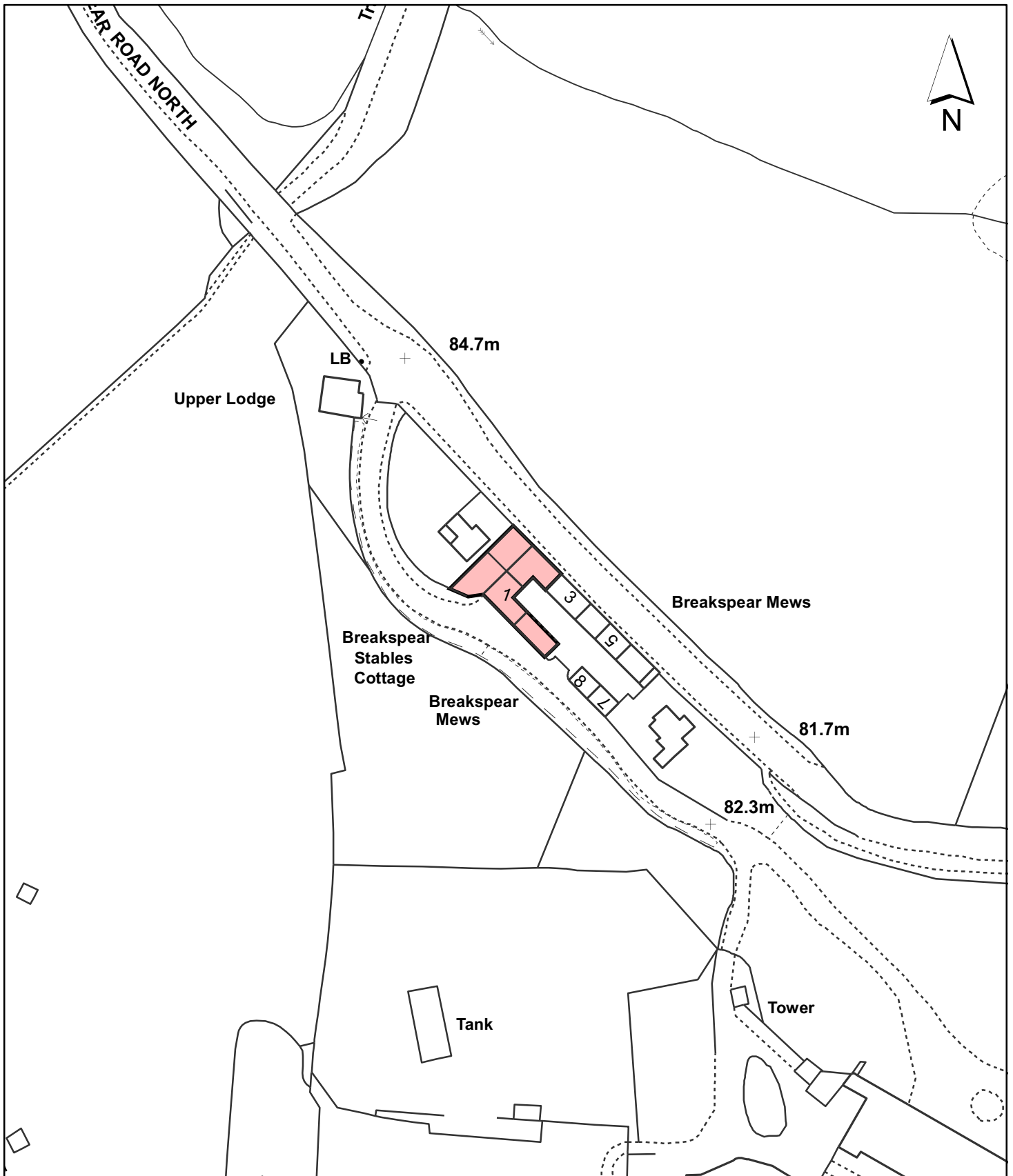
Should the current modifications be approved, it is considered that the current breach in planning control would have been addressed and there will be no requirement to pursue further enforcement action in relation to Units 1 and 2.

11. Reference Documents


Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 3 (Housing)
Planning Policy Guidance Note 13 (Transport)
The London Plan
Hillingdon Unitary Development Plan Saved Policies September 2007.
Hillingdon Design and Accessibility Statement: Residential Layouts
Hillingdon Design and Accessibility Statement: Residential Extensions
Supplementary Planning Guidance: Educational Facilities
Supplementary Planning Guidance: Community Facilities
PPS5 (Planning for the Historic Environment).

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Notes

 Site boundary

For identification purposes only.

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Site Address	
1 - 8 (inclusive) Breakspears Mews Breakspears Road North Harefield	
Planning Application Ref:	Scale
7902/APP/2009/2480	1:1,250
Planning Committee	Date
North	March 2011

LONDON BOROUGH OF HILLINGDON

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