

Report of the Head of Planning & Enforcement Services

Address R/O 17-21 THE CLOSE EASTCOTE PINNER

Development: Erection of a two storey detached building with additional level in roofspace for use as Class B1 Office.

LBH Ref Nos: 11448/APP/2011/238

Drawing Nos: 2479/01 Rev. C
2479/02 Rev. A
2479/03 Rev. A
1:1250 Location Plan
Design & Access Statement

Date Plans Received: 02/02/2011 **Date(s) of Amendment(s):**

Date Application Valid: 02/02/2011

1. SUMMARY

Planning permission is sought for the erection of a two storey building with a second floor within the roof void. The proposed development is larger in size, scale and bulk, compared to the previous scheme approved on appeal and is considered to result in an overdominant and visually intrusive form of development and would result in overlooking and loss of privacy.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development by reason of its overall size, height and siting in relation to 17-20 The Close, would result in an overdominant/visually obtrusive form of development which would harm the visual amenities of the occupiers of those properties, constituting a material loss of residential amenity. The proposal is therefore contrary to policies BE19 and BE21 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and paragraph 4.9 of the Hillingdon Design & Accessibility Statement: Residential Layouts.

2 NON2 Non Standard reason for refusal

The proposed rear facing rooflight would result in the actual and/or perceived overlooking of the rear gardens of 17-20 The Close causing an unacceptable loss of privacy to the occupiers of those properties. The proposal is therefore contrary to Policy BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 153 Compulsory Informative (2)

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

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.
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.
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises land to the rear of 17 to 21 The Close, Eastcote. The site area is approximately 350m² and fronts onto an access lane that runs along the rear of shops that front Field End Road. The access lane also provides access to two large public car parks, which are accessed from either Abbotsbury Gardens to the north and North View to the south. The site is located almost adjacent to the smaller of the two car parks.

The surrounding area contains a range of land uses, with the Eastcote Minor Town Centre, immediately to the west (including part of the access lane), a public car park to the north, which is also within the Eastcote Town Centre, and residential uses to the south (fronting North View), and to the east (fronting The Close). The Eastcote (Morford Way) Conservation Area boundary lies close to the western boundary of the site.

The application site lies within the developed area as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

The original scheme granted on appeal, sought outline approval for the construction of a two-storey office building with all matters reserved. Whilst it was only the principle of the scheme that was considered at that time, an illustrative drawing was submitted with the application. The plan showed a two storey flat roof building measuring 6m deep, 12m wide

and 5.5m high and was sited 4.8m from the edge of the service road, 1.45m from the rear boundary, and 7.6m from either side boundaries. The building had a footprint of approximately 72 sq.m. Two parking spaces were proposed on the frontage and planting shown along the side and rear boundaries. The plan also showed a 1m wide footpath in front, spanning the entire width of the site (26m) to be use as a public walkway.

This current application seeks planning permission for a two storey gable end ridged roof building measuring 8m deep, 17m wide, 6.8m high at eaves level and 10.1m high at ridge level. The proposed building would be set 2.8m from the service road, 1.5m from the rear boundary, 2.8m from the north west side boundary, and 7.7m from the south eastern side boundary. The proposed building has a footprint of approximately 136 sq.m.

On the front elevation, facing the service road, the proposed building would comprise a centrally positioned front entrance, casement windows at ground and first floors, and 5no. rooflights in the front roofslope. On the rear elevation, obscured glazed high level windows are proposed on the ground and first floors, with rooflights in the rear roofslope. Planting is shown along the side and rear boundaries and a 1m wide footpath is also proposed which would run along the entire width of the site to form a footpath. A waste collection area is also proposed along the south east side of the building.

The proposal would provide class B1(a) office space.

3.3 Relevant Planning History

11448/APP/2008/3394 Land Rear Of 17-21 The Close Eastcote, Pinner

Two storey office building with associated parking accessed from service road (outline application).

Decision: 28-01-2009 Refused

Appeal: 11-11-2009 Allowed

Comment on Relevant Planning History

The above application was refused for the following reasons:

1. The proposal would introduce two storey built form on this side of the access road which would be out of keeping with the surrounding pattern of residential and commercial development. The proposal would therefore constitute an incongruous addition to the service road and its surroundings, detrimental to the visual amenities of the area, contrary to Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

2. The proposal would result in additional vehicle movement on the adjoining service road which given its intensity of use, restricted width and lack of pedestrian footpaths, already constitutes an inherent highways danger. The proposal would conflict with the use of the service road for service deliveries to the adjoining retail and commercial uses on Field End Road, conflicting with its safe and efficient operation. The proposal would therefore be prejudicial to highway and pedestrian safety, contrary to Policy AM7(ii) of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

An appeal was lodged and subsequently allowed in November 2009.

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.
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.
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PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **9th March 2011**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

29 adjoining owner/occupiers have been consulted and the application has been advertised as a development that affects the character and appearance of the adjoining Eastcote/Morford Way Conservation Area. 4 letters of objection and a petition with 33 signatories have been received, making the following comments:

- (i) The proposed building would be totally out of character with the existing buildings and surrounding area;
- (ii) The proposed building would obscure and harm the trees in the rear garden of 21A The Close;
- (iii) Overlooking onto the rear gardens resulting in a loss of privacy;
- (iv) The proposal would have a detrimental effect on the living conditions of nearby residents;
- (v) The service lane is not of a sufficient width for two way traffic;
- (vi) The footpath is not of an adequate size to cater for wheelchair users;
- (vii) The proposal would lead to anti-social behaviour;
- (viii) The proposal would represent an overbearing and dominant form of development which would block sunlight to the rear gardens of the properties in The Close;
- (ix) The application fails to provide details of the height of the building and its siting in relation to

adjoining properties; and
(x) There is no demand for office space in this location.

Internal Consultees

Environmental Protection Unit:

No objections subject to conditions relating to hours of use and deliveries.

Waste Management:

- a) The proposal is for an office unit. The occupiers would have to make an arrangement with either the Council or a licensed waste carrier for the collection of the waste produced from the premises;
- b) As the producers of waste from a commercial premises the occupiers have a Duty of Care to contain the waste safely until it is collected by the Council or a licensed waste carrier. They can best comply with this through the use of bulk bins or presenting sacks on the day of collection;
- c) The collectors should not have to cart a 1,100 litre bulk bin more than 10 metres from the point of storage to the collection vehicle (BS 5906 standard). Collectors should not have to carry refuse sacks more than 15 metres;
- d) The gradient of any path that the bulk bins have to be moved on should ideally be no more than 1:20, with a width of at least 2 metres. The surface should be smooth. If the storage area is raised above the area where the collection vehicle parks, then a dropped kerb is needed to safely move the bin to level of the collection vehicle.

Trees/Landscape:

As previously and with reference to the recent appeal decision, there is a need for landscaping to supplement the existing vegetation (off-site) and provide additional screening, and a setting for the building.

Given the Inspector's findings and decision, subject to conditions, the application is acceptable.

Highways:

Considering the submitted application, plans and appeal decision, there is no objection on the highway aspect of proposal subject to the following:

1. The use of the land for footway construction shall not be commenced until the limit, width, drainage and detailed construction of footway to be submitted and approved in writing by the LPA and shall be permanently maintained and available for pedestrian use at all times.
2. The applicant should enter into s38 agreement with the council for adoption of new footway
3. No development shall take place until details of facilities to be provided for the storage of refuse bins within the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.
4. A tracking plan showing 10.0m waste collection vehicles entering and exiting the site in a forward gear.

Access:

Plans submitted would suggest that this building and its facilities would be inaccessible to disabled people using wheelchairs. The Equality Act 2010 seeks to protect people accessing goods, facilities and services from direct discrimination on the basis of a 'protected characteristic', which includes those with a disability.

The following observations are provided:

1. It is unclear whether level access will be provided into the proposed new office block, which would be required to meet both planning and building control requirements.
2. The accessible toilet shown on plan is too small to comply with Approved Document M to the Buildings Regulations 2004. The internal dimensions of the cubicle should be no less than 1500mm wide by 2200mm deep.
3. The accessible toilet should be signed either "Accessible WC" or "Unisex". Alternatively, the use of the "wheelchair" symbol and the words "Ladies" and "Gentlemen" or "Unisex" would be acceptable.
4. Multi-storey buildings should have at least one lift that is sufficient size to be accessible by wheelchair users and people with mobility difficulties. The lift shown on plan does not provide the required 1100mm wide and 1400mm deep dimensions and is therefore unsuitable. In addition, an unobstructed maneuvering space of 1500 x 1500mm should be provided in front of the lift. The space shown is below the minimum requirements.
5. The location of an accessible lift should be provided in a location that is clearly visible from the building entrance. Lifts should serve all floors.
6. A refuge area does not appear to be shown on plan. Advice from an appropriate fire safety officer or agency should be sought at an early stage to ensure that adequate and appropriate refuge areas are incorporated into the scheme as a whole. Refuge areas provided should be sized and arranged to facilitate maneuverability by wheelchair users (Refer to BS 9999: 2008). Refuge areas must be adequately signed and accessible communication points should also be provided in the refuge area.
7. Consideration should be given to ensure that arrangements exist to provide adequate means of escape for all, including wheelchair users. Fire exits should incorporate a suitably level threshold and should open onto a suitably level area.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

In determining the appeal, the Inspector states at paragraph 4:

"Planning Policy Statement 1: Delivering sustainable development, at paragraph 32, promotes a more efficient use of land and the focusing of new office development in sustainable locations such as existing centres. The appeal site is unused land, adjacent to Eastcote centre and close to a public transport interchange. Although there is no development, other than car parks, fronting the north-eastern side of the access lane, I am not persuaded that in the above circumstances, development should be precluded in principle."

Given the Inspector's decision to grant outline planning permission, the principle of the development has been established.

7.07 Impact on the character & appearance of the area

The immediate surrounding area is somewhat mixed. To the east of the application site lies the residential properties in The Close. To the north lies a public car park and to the west, on the opposite side of the access lane, lies single and two storey buildings, and two storey extensions, many of which serve the commercial premises fronting Field End Road.

In determining the appeal against the outline scheme, the Inspector states at paragraph 4 that "the site does not relate to the residential properties to the east, which in any event could be screened from the appeal proposal by vegetation. The building would be seen in the context of the commercial built development to the immediate west of the access lane, to which an appropriately designed building could relate satisfactorily."

Given the above comments, the proposed building, in terms of its design and appearance,

is not considered to appear out of keeping with the mixed character of the area. It is considered that the proposed development would relate satisfactorily with the commercial built development on the opposite side of the access lane. In particular, there is no uniform appearance to the existing commercial buildings, and as such, the proposal, with its brick elevations and plain tile roof, is not considered to detract from the commercial character of the immediate area. The overall height of the new building, in townscape terms, is comparable to the commercial buildings and extensions to the properties fronting Field End Road.

Overall, it is considered that the proposed office building would not have a detrimental impact on the character and appearance of the immediate surrounding area, or the nearby Eastcote/Morford Conservation Area, in accordance with policies BE4, BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.08 Impact on neighbours

The Supplementary Planning Document HDAS: Residential Layouts requires minimum distances of 15m and 21m for a two-storey structure from the rear wall of a residential property in order to prevent over domination and overlooking, respectively and whilst the proposal does not relate to a residential development, the SPD does provide a reasonable guide as to the distances between windows and between buildings which should be achieved as a minimum.

The proposed office building would be sited some 22.5m from the rear wall of the nearest residential property on The Close. The size of the footprint of the proposed building has increased, in comparison to the appeal scheme, from 12m to 17m, an increase of some 42% and its height has increased from 5.5m to 10m, an increase of some 55%. The size, scale, bulk and height of the building as proposed is considered to have an adverse impact on the residents to the rear, especially given that it is set only 1.5m from the boundary and there is little scope for substantial planting within this space. It is therefore considered that the proposed development would have an overbearing and dominant impact when viewed from the rear windows on 17-20 The Close, resulting in a visually intrusive and overdominant form of development, contrary to policies BE19 and BE21 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and paragraph 4.12 of the Hillingdon Design & Accessibility Statement: Residential Layouts.

The proposed building would be over 21m from the rear first and second floor windows of the residential properties above the commercial units facing Field End Road. There are no residential properties to the north and south of the application site. To the rear, the proposed building has been designed with high level windows at ground and first floor levels, however, the top floor rooflights are only 1.2m above floor level and will allow overlooking into the rear gardens of the residential properties to the rear, resulting in an unacceptable loss of privacy, contrary to policy BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and paragraph 4.9 of the Hillingdon Design & Accessibility Statement: Residential Layouts. The proposed block would result in an increase in overshadowing onto the rear gardens of the residential properties in The Close, however this increase will not be so significant and will not extend onto the houses themselves.

It is therefore considered that the proposal would represent an overbearing and overdominant form of development and would result in a loss of privacy, contrary to the aforementioned policies.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposed development does not contain off-street parking. However, the application site has good access to public transport in Field End Road and it is within easy walking distances to the Metropolitan and Piccadilly lines. There are on street parking restrictions, including residents only parking areas. In town centre locations, PPS4 recommends that development with limited parking should be permitted in areas of good accessibility, and where effective on street parking control is present or can be secured.

The previous application had conditionally been granted under appeal. The Inspector's view in the appeal was that "the provision of car parking in a highly sustainable location, such as Eastcote centre, should not be mandatory". He further states that "Traffic likely to be generated to service a small office building would not have a material impact upon volumes of traffic using the access way".

There are two public car parks (Devon Parade with 45 parking spaces and Devonshire Lodge having 203 parking spaces), located either side of the proposed building, both accessed from a service road of approximately 5.5m wide, with no footway or other means of pedestrian facility. The Inspector agreed and recommended the construction of a footway linking the two car parks which would also provide safe pedestrian movement. The proposal includes the construction of a 1.0m wide footpath from the northern edge of Devon Parade car park connecting it to the existing footpath south of Devonshire Lodge car park and this is considered to be a positive improvement on highway and pedestrian safety.

The two nearby public car parks are sufficient to cater for the parking needs of the occupiers of the proposed building. The existing access way is of a sufficient width to provide safe vehicular access to and from the proposed building.

Given the above, it is considered that the proposal would not result in a significant increase in traffic movement and would not prejudice highway and pedestrian safety, in accordance with policies AM2, AM7 and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.11 Urban design, access and security

Urban design and access are addressed above. With regards to security, there is no evidence to suggest that the proposal would lead to an increase in anti-social behaviour.

7.12 Disabled access

The application has been amended to take account of the comments raised by the access officer. In particular, the proposed lift is of a sufficient size to cater for wheelchair users and a fully glazed panel in front of the lift is proposed to ensure that the lift is visible at a point entry into the building. An accessible refuse area has been provided; details of which can be secured by way of a suitable condition.

7.14 Trees, Landscaping and Ecology

There are no trees of merit on this site, but some of the trees in the rear gardens of the houses in The Close are located near to the northern boundary of the site. Given the proposed use, these trees are not an issue in this case. The scheme (with no parking) reserves space for landscaping and additional planting to the side and along the frontage. However, it is considered that the space to the rear of the building will not be sufficient to allow the substantial planting required to minimise the effect of the proposal when viewed from the residential properties in the Close. Thus whilst it is considered that a refusal on landscape grounds is not justified the impact of the proposal on residential amenity is covered above.

Overall, subject to trees and landscaping conditions, the proposal would accord with policy

BE38 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.15 Sustainable waste management

The application has been amended to show an area along the south side of the building for refuse storage/collection.

The guidance and recommendations on good practice stipulates that waste bags should not be carried for a maximum distance of 30m from allocated waste bins, whereas refuse collection vehicles should be able to get to within 25m of the storage point. The proposed waste storage area would be some 3m from the access way and as such, would meet these standards.

7.19 Comments on Public Consultations

With regards to the third party comments, points (i) to (viii) have been addressed in the report. On point (ix), the submitted plans are to scale and on point (x), the application site lies within a commercial area and the applicant considers that there is demand for the proposed use.

7.22 Other Issues

There are no other relevant issues.

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'.

10. CONCLUSION

For the reasons outlined above and that the proposed development fails to comply with the aforementioned policies of the adopted Hillingdon Unitary Development Plan (Saved

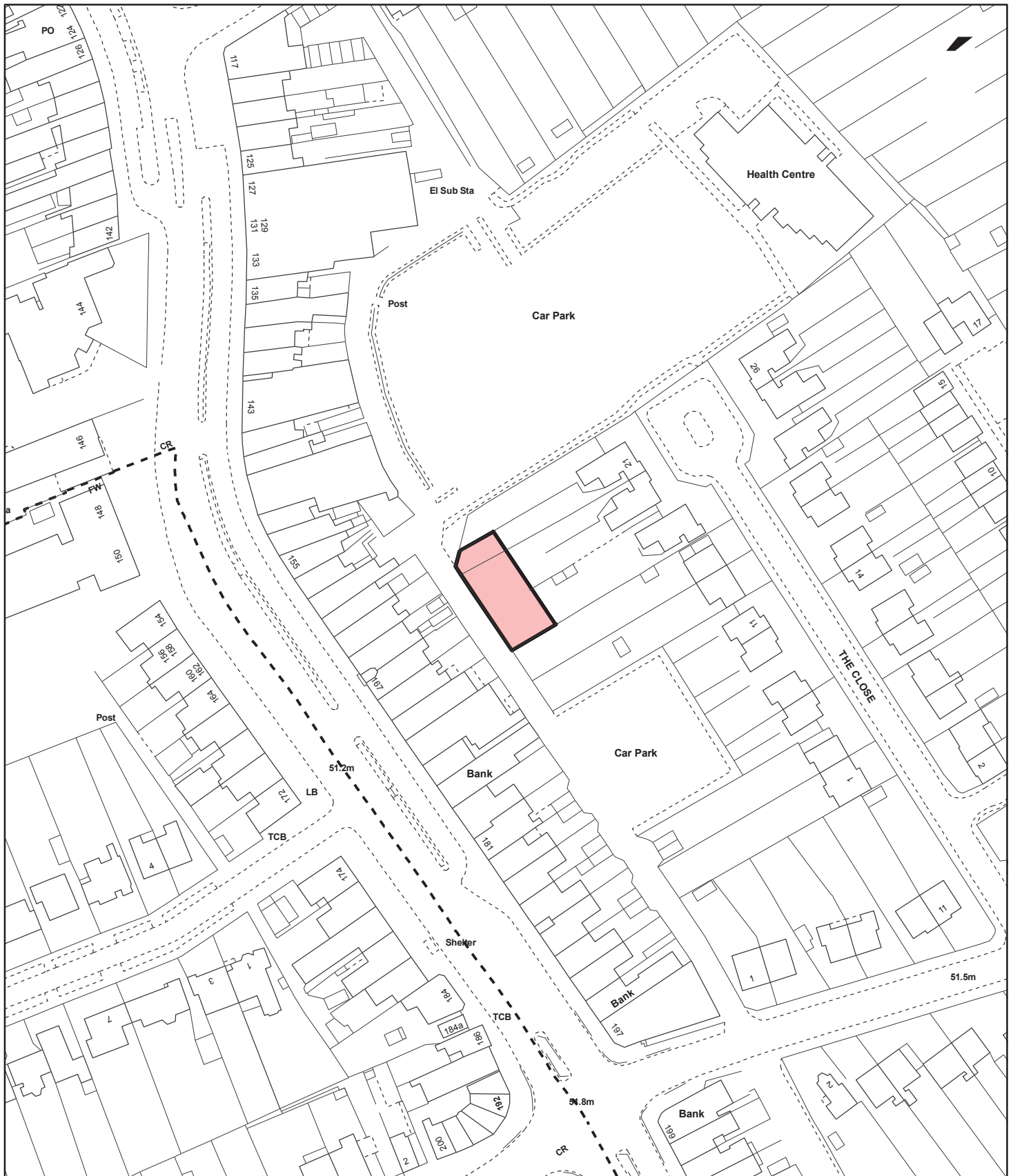
Policies September 2007) and Hillingdon Design & Accessibility Statement: Residential Layouts, this application is recommended for refusal.

11. Reference Documents


Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).
Hillingdon Design & Accessibility Statement: Residential Layouts
PPS1
PPS4

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Notes

 Site boundary

For identification purposes only.

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Site Address	
Land rear of 17 - 21 The Close, Eastcote	
Planning Application Ref:	Scale
11448/APP/2011/238	1:1,250
Planning Committee	Date
North	September 2011

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