

Minutes

CENTRAL & SOUTH PLANNING COMMITTEE

19 April 2016



HILLINGDON
LONDON

Meeting held at Committee Room 5 - Civic Centre, High Street

	<p>Committee Members Present: Councillors Ian Edwards (Chairman), David Yarrow (Vice-Chairman), Shehryar Ahmad-Wallana, Roy Chamdal, Alan Chapman, Jazz Dhillon (Labour Lead), Janet Duncan, Manjit Khatra and Brian Stead.</p> <p>LBH Officers Present: James Rodger (Head of Planning, Green Spaces and Culture), Meghji Hirani (Team Leader - Planning), Tim Brown (Legal Advisor) and Jon Pitt (Democratic Services Officer).</p>
66.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
67.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>Councillor Brian Stead declared a non-pecuniary interest in agenda item number 10 and stated that he would be leaving the room during discussion of the item.</p> <p>Councillors David Yarrow and Jazz Dhillon each declared a non-pecuniary interest in agenda item numbers 6, 7 and 8 and stated that they would be leaving the room during discussion of the items.</p>
68.	<p>TO SIGN AND RECEIVE THE MINUTES OF THE MEETING HELD ON 9 MARCH 2016 (<i>Agenda Item 3</i>)</p> <p>Resolved: That the minutes of the meeting held on 9 March 2016 be agreed.</p>
69.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>No matters had been notified in advance or were urgent.</p>
70.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND THAT THE ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 5</i>)</p> <p>It was confirmed that agenda items numbered 6 to 13 were Part I and would be heard in public. Agenda item number 14 was Part II, Members' only and would, therefore be heard in private.</p>

71. **17 MAYLANDS DRIVE, UXBRIDGE - 65665/APP/2016/468**
(Agenda Item 6)

**Erection of part two storey, part single storey side and rear extension;
Erection of single storey front porch extension and installation of one
side roof light.**

Officers introduced the application in relation to Maylands Drive, a two storey detached property. The Committee was advised that the descriptions on the front sheet of the agenda were incorrect but that the descriptions on the actual reports were correct.

The application was for a part two storey, part single storey side and rear extension, front porch and one roof light. The main issues for Members to consider were the impact of the proposals on the character of the property and street scene and the impact on neighbouring occupiers.

A previous planning application at the site had been approved in 2012. A number of enforcement notices had since been served in relation to works at the site. These had included an unauthorised part two storey, part single storey side and rear extensions and front porch.

Planning permission had been granted for a front porch with a depth of 1.2 metres, width of 2.625 metres and height of 3 metres, sloping to 2.3 metres. The as built measurements were depth 1.23 metres, width 2.54 metres and a maximum height of 3.54 metres. The constructed extension was, therefore, slightly deeper and taller than the approved plans. The current proposal was to keep the width and the depth as built, but to reduce the height to 2.9 metres, including a flat roof. The proposed change was considered to be acceptable.

The single storey element of the scheme had been granted permission with a depth of 4 metres. It had been built to this depth, with the current application proposing to retain this measurement. The difference between the consented scheme and the as built scheme was the height of the development. The permission granted was for a maximum height of 3 metres, sloping down to 2.25 metres. The as built measurement was 3.8 metres, sloping to a height of 3.04 metres. The current proposal was to keep the as built height but to modify the design. The changed design had led officers to consider that that element of the scheme was acceptable.

The main issues of concern related to the two storey elements of the scheme, in particular the side extension part of the proposals. The as built scheme had a gable roof to the rear with the proposed scheme having a hip roof. Officers were of the opinion that the proposed changes were not sufficient to overcome the conclusions of the Planning Inspector that the extensions overwhelmed the original house to such an extent that they were akin to the construction of a new dwelling. They were so extensive that the character and appearance of the original dwelling was no longer evident. With regard to the two storey, side rear element of the extension, the inspector considered that it made the house appear cramped on its plot, due to the small gap between the building and the neighbouring house at number 15 Maylands Drive. Officers considered that the proposals under consideration had not overcome the inspector's concerns and accordingly, the application was recommended for refusal. The proposals did, however,

overcome concerns about impact on adjoining occupiers.

The previous Planning Inspector's decision in relation to 17 Maylands Drive had been circulated to the Committee in advance of the meeting. At the Chairman's suggestion, Members read this information at the meeting prior to commencement of discussion in relation to the application.

A petition had been submitted by the applicant in support of the application. In accordance with the Council's Constitution, the petitioner addressed the meeting and made the following points:

- The petitioner felt that he had been stuck between the Council's planning department and the architects that he had initially employed.
- The plans initially submitted had been approved but were subsequently challenged by Planning Enforcement.
- Communication between Planning Enforcement and the rest of the planning department had created a difficult situation for the applicant. This had led to communication to the architect being unclear.
- Lack of clear information had led to prolonged inconsistencies, which had led to the applicant and his family suffering personally and financially as a consequence. It had not been possible to obtain accurate information in order to address the issues highlighted by planning enforcement.
- The applicant was now of the opinion that he should have challenged the Planning Inspector's decision previously.
- Neighbours that had previously opposed the proposals were now fully supportive of the application. A letter from a local resident's group and a petition had been submitted in support of the proposals. The Uxbridge North Residents' Association had also viewed and attended the house.
- The applicant had always wished to have meaningful dialogue with the planning department, in order that proposals could be developed that all parties would be satisfied with.
- The intention had been to create a new family home. The family had invested their life savings into the property with a view to settling into the area for years to come. These savings had been completely depleted.
- There were inaccuracies within the approved plans from 2012, which the applicant had tried to address.
- Six professional persons, including the Planning Inspector, had taken measurements and six sets of inconsistent measurements had been recorded. The petitioner felt that the various issues could have been addressed a long time ago.
- The differences between the approved plans and what had been built amounted to two square metres at the most. The buildings complied with Hillingdon's policy for an area of special local character.

The Chairman advised that the extra information provided by the applicant in advance of the meeting had been circulated to Committee Members and that hard copies were available at the meeting.

In accordance with the Council's Constitution, the applicant's agent addressed the meeting and made the following points:

- The plans had originally been approved in 2012 for a first and ground floor side and rear extension. It had subsequently been shown that the approved plans were inaccurate in relation to levels, heights and elevations. These errors had not been detected by the Council or by the Planning Inspector. As a result, the build did not match the plans. The extensions built were around 5% larger than the sizes that had been approved.
- The applicant had undertaken work to the house on the advice of enforcement officers. The porch roof and side extension roof had been lowered. The Council had served an enforcement notice to seek the removal of all extensions, outbuildings and the patio.
- In light of the critical inspector's report, the agent had expected to see extensions that completely dominated the house. In his view, the extensions were subservient, related well to the house and had limited impact on the street scene.
- The extension built was only slightly larger than the previously approved plans. Officers had considered that the extensions did not confirm to design guidance, but a guide should be just that and each application should be considered on its individual merit.
- The increased height of the rear extension had not caused any detrimental impact on neighbouring properties and was not visible from the street.
- With the exception of the rear extension, the as built development accorded with design guidance in terms of distance from property boundary and subservience.
- There had been no objections from the adjoining neighbour, with a number of local residents considering that the extension built was acceptable.
- If the Inspector's decision had been taken as a basis for future local authority decisions, this would likely result in a re-write of design guidance being necessary.
- Planning officers had been too concerned with millimetres and centimetres and design guides, which was evidenced in part by the six sets of measurements taken at the property.
- A number of similar extensions had recently been permitted within the Borough. The agent was surprised that officers were recommending the application for refusal and urged the Committee to approve it.

In accordance with the Council's Constitution, Councillor Raymond Graham, ward Councillor for Uxbridge North, addressed the Committee and made the following points:

- The complexities and difficulties associated with the application had caused the North Uxbridge Resident's Association, the local MP and Cllr. Graham considerable concern.
- The petition in support of the application had been signed by a number of neighbouring residents, including the resident of number 15 Maylands Drive.
- The large number of professional persons involved in the application and the various complications had been bewildering. The applicants had received very poor all round professional advice and various contractors had not closely followed the plans.
- The site was uneven and there had been inconsistencies in relation to

measurements taken at the site.

- The officer report stated that the conversion of the loft space and installation of roof lights would constitute permitted development. The development was also considered to be acceptable in terms of the impact on the residential amenity of neighbouring properties.
- Number 21 Maylands Drive had already had a side and rear extension and annexe added. This was a prime example of what had already been established and accepted close by.
- There were three applications being considered by the Committee in relation to 17 Maylands Drive. Agenda items 7 and 8 were recommended for approval, while only agenda item 6 was recommended for refusal. As agenda item 8 closely mirrored agenda item 6, Cllr Graham hoped that the Committee would overturn the officer recommendation for refusal, particularly as this would accord with the wishes of the petitioners in support of the application.
- Councillor Graham felt that the applicant would abide by any and all conditions imposed by the Committee and that they would do so in a timely fashion.

The Chairman advised that the key issue for consideration by the Committee was whether the two storey side extension was acceptable. The Committee needed to consider whether the design, scale and massing of the structure was acceptable, whether it was subordinate to the host property and whether it was in keeping with the character and appearance of the area. This should be considered in the context of the 2012 planning application, which had not been built within the specified time. Consequently, this carried less weight than the more recent Planning Inspectorate decision, which had found that the extension was detrimental to the neighbourhood.

The Committee requested clarity with regard to the legal situation. The Inspector's report needed to be taken into consideration by the Committee. Legal advice was sought to clarify whether the Committee could take a decision contrary to judgement made following a court case in relation to the extension that had been built at the application site.

The legal advisor confirmed that Members were not bound by the Crown Court proceedings, which were a prosecution in relation to a breach of the enforcement notice served due to the development at 17 Maylands Drive. This was due to the demolition work required by the notice not having been carried out. The enforcement notice did not prejudice the decision of the Committee as the offence that the court proceedings related to had already taken place. The Crown Court was not in this case, upholding a notice, but deciding whether an offence had been committed. It was also noted that the Committee was considering the new plans submitted, rather than the as built development. Granting of planning permission would supersede the enforcement notice but the offence that the court proceedings related to would still have been committed.

Officers felt that if the applicant had been provided with better professional advice then they may have tried to reach a compromise with the Council in relation to the development. It was considered that there had been overdevelopment at the site, but it was not the case that the Council wouldn't allow outbuildings or extensions to a property.

Through the proposals currently under consideration, it was suggested that the applicant was seeking to avoid having to demolish all extensions at the site. The original plans had been approved in 2012, but as the Planning Inspector's decision was made after this, it carried greater weight. In reaching their decision, the inspector had given greater weighting to the narrow width of the plot at 17 Maylands Drive compared to other larger plots in the neighbourhood. By approving the applications under consideration, the Committee would be going against certain aspects on the Planning Inspector's decision, but it was entitled to do so if clear planning reasons could be identified.

Committee Members felt that the development had altered the appearance of the street scene. Other properties in the area did not have such extensions. It was also considered that the original house was overwhelmed by the extension and was not subordinate to the main house. It was also suggested that approval of the application could set a precedent for other householders to ignore planning requirements.

Officers advised that there were some other properties with sizeable two storey extensions in Maylands Drive, but the configuration of the plots differed at these properties. It was clarified how the plans before the Committee differed from the photographs of the current build that had been presented to it. The depth and width of the front porch would remain the same, while the roof would become flat and would be lower. Officers considered this to be acceptable. In relation to the single storey element of the side extension, this would remain virtually unaltered. It had been altered since the original enforcement notice had been served and the appeal decision made. The two storey element would also not be altered significantly, although the roof would become a hip roof. This would hip away from neighbouring properties and would appear to be lower.

The recommendation for refusal was proposed, seconded and upon been put to the vote, was agreed unanimously.

RESOLVED: That the application be refused for the reasons set out in the officer's report.

72. **17 MAYLANDS DRIVE, UXBRIDGE - 65665/APP/2016/822**
(Agenda Item 7)

Erection of single storey rear and side extension; single storey front porch extension and installation of one roof light.

Officers introduced the report, which was presented to the Committee in conjunction with agenda item number 8, 65665/APP/2016/821.

The application sought permission for a single storey extension. The two storey element shown on previous plans would be removed. Changes proposed in relation to the design and height of the front porch and to the rear extension single storey element also formed part of this application. The first floor elements would be removed, with this part of the extension all becoming single storey. This removed the objections of officers and of the planning inspector to the scheme and accordingly, it was recommended for approval.

The recommendation for approval was proposed, seconded and upon been put to the vote, was approved unanimously.

RESOLVED: That the application be approved, subject to the conditions and informatives set out in the officer's report.

73. **17 MAYLANDS DRIVE, UXBRIDGE - 65665/APP/2016/821**
(Agenda Item 8)

Erection of part two storey, part single storey rear extension and single storey side extension; single storey front porch extension and installation of one roof light.

Officers introduced the report, which was presented to the Committee in conjunction with agenda item number 7, 65665/APP/2016/822.

The application sought permission for a single storey extension. Compared to previous schemes at the site, changes were proposed to the porch. The proposed two storey element of the extension would only be at the rear of the property, with the side element of this being removed. These changes removed the objections of officers and of the Planning Inspector to the scheme. Accordingly, the application was recommended for approval.

In response to a Member question, it was confirmed that the side extension came right up to the front of the house, but that it was single storey and that it was considered to be acceptable.

The Committee agreed that additional conditions should be added to the approval to specify that the house should be retained as a single dwelling and not sub-divided. It was also agreed that permitted development rights for outbuildings and additional extensions should be removed.

A Member said that during a previous site visit, she had been concerned about the increase in height of decking and areas to the rear, which gave very extensive views into neighbouring properties. The Member agreed that permitted development rights for outbuildings should be removed. Officers proposed that the Head of Planning and legal advisor would brief the Chairman and senior Labour Committee Member regarding the possible removal of other permitted development rights.

The Committee was seeking to protect against the overlooking and over dominance of the property compared to neighbouring dwellings. The removal of permitted development rights would be only to achieve that outcome. It was recognised that Maylands Drive had limited parking and that any sub division of the property could exacerbate this.

The recommendation for approval was proposed, seconded and upon been put to the vote, was agreed unanimously.

RESOLVED:

- 1. That the application be approved as per the officer's recommendation, subject to the conditions and informatives set out in report and subject to additional conditions to remove**

permitted development rights for outbuildings and to ensure that the dwelling could not be sub-divided.

2. That authority be granted to the Head of Planning to work with the Chairman and Cllr. Janet Duncan (acting in place of the Labour Lead who had declared a non-pecuniary interest in the item) to agree the additional conditions requested by the Committee.

74. **BRUNEL UNIVERSITY CAMPUS KINGSTON LANE, UXBRIDGE - 532/APP/2016/347** (*Agenda Item 9*)

Erection of a war memorial, including an inscribed black stone memorial wall, associated lighting and paving.

Officers introduced the application which sought permission for the erection of a war memorial within the grounds of Brunel University. The memorial was currently in place in Osterley and was dedicated to the staff and students of Borough Road College (now Brunel University) who had died in World War I and World War II. The proposal was for the relocation of the memorial within the landscaped grounds of the university. There were protections for the memorial, due to its status as a war memorial and there were rules that the university would need to adhere to in order to have the memorial relocated. Officers considered that the proposals were acceptable and accordingly, they were recommended for approval.

The Committee welcomed the proposals and questioned whether memorial services would take place at the memorial.

The recommendation for approval was moved, seconded and upon being put to a vote, was agreed unanimously.

RESOLVED: That the application be approved, subject to the conditions and informatives set out in the officer's report.

75. **PIELD HEATH GARDEN CENTRE, PIELD HEATH ROAD, HILLINGDON - 13831/APP/2016/370** (*Agenda Item 10*)

Installation of car wash to include a double canopy, wash screen, associated cabins, storage structure, water tank and fence (Retrospective).

Officers introduced the application, which sought retrospective planning permission for a car wash with buildings attached to it. The car-wash facility included an open-sided green-coloured plastic double canopy, mounted on posts, a wash screen with green-coloured frames, a grey coloured storage structure, a green-coloured water tank and fence.

A previous application had been refused at the site in 2010. This had subsequently been granted on appeal. The location of this proposal was different to that of the proposals currently under consideration. The proposed structure was larger than the one that had been previously granted. Members were asked to consider the impact of this on the green belt.

The Planning Inspector had considered that the proposals were ancillary to the use of the car park and the garden centre. Therefore, the principal use was not inappropriate, but the question for Members to consider was whether the size or visibility of the proposed structures was such that they had an impact on the openness of the green belt. The inspector had considered that the landscaping around the site contributed towards hiding the structure. This included large trees. It was difficult for the structures to be seen from outside the site or from other parts of the green belt. On this basis, the application was recommended for approval.

The Chairman confirmed that the Planning Inspector's decision had been circulated to Members in advance of the meeting and that hard copies were available.

The Committee considered that the site was not fulfilling a green belt function. Although the structure was quite large, it was a useful facility and it was ancillary to the large garden centre. It was requested and agreed that a condition would be added to specify that the structure should be painted a darker shade of green.

The recommendation for approval was moved, seconded and upon being put to a vote, was agreed unanimously.

Resolved: That: The application be approved, subject to the conditions and informatives set out in the officer's report and subject to an additional condition which would specify that the structures must be painted a darker colour green than they currently were.

76. **26 WINDSOR AVENUE, HILLINGDON - 63542/APP/2015/4473**
(Agenda Item 11)

Two storey side extension and single storey rear extension and conversion of dwelling to 1 x 3-bed and 1 x 2-bed houses with associated amenity space.

Officers introduced the application which related to land adjoining 26 Windsor Avenue, at the junction with Richmond Avenue. The application was for a two storey side extension, to be used as a separate two bedroom dwelling. The proposals were considered to amount to the filling of a corner plot of land and were not considered to conform to planning policies due to the design, appearance and impact upon the street scene. The rear of the proposed building was very close to the site boundary. The size and scale of the proposals were considered to be unacceptable.

Planning permission had been granted in 2007 for a two storey side extension, but that had been for a smaller extension than the current proposals and would, therefore, have maintained the openness of the corner plot. Windsor Avenue had low transport accessibility, which would mean that the development would require the provision of two parking spaces. It would be difficult, if not impossible for this to be accommodated in the space available and for amenity space to be retained to the Council's required standard. Taking all the factors into consideration, officers recommended that the application be refused.

It was confirmed that the land on which it was proposed to construct the

dwelling did not currently have a separate title of ownership. It was normal for extensions that were proposed to be used as a separate dwelling to be referred to as "land adjacent to."

The following verbal changes were requested and agreed in relation to the officer report:

- 1) Deletion of paragraph 7.02 from the word "furthermore" on line 5 onwards. This was to reflect that officers were not of the opinion that the design of the proposals was incongruous as it reflected the design of the existing property.
- 2) That refusal reason number 2 be amended to make it more explicit that the proposals were considered to be detrimental to the street scene.

The recommendation for refusal was proposed, seconded and upon been put to the vote, was agreed unanimously.

Resolved: That: The application be refused for the reasons set out in the officer's report, subject to the changes to the report noted above.

77. **WEST LONDON INDUSTRIAL PARK LANE, COWLEY -
751/APP/2015/3814** (*Agenda Item 12*)

Retention of existing detached building and use of site and building for storage of cars.

Officers introduced the application for the site, which had previously been granted permission for car storage. An additional building had been erected, which was considered to be acceptable. Retrospective permission was being sought for this.

Members were referred to the addendum sheet circulated. This proposed that planning condition 2 be deleted as it was covered by condition 3. It was also proposed that condition 4 be amended to add that the site could not be used for airport parking.

There had been issues connected to the movement of large vehicles associated with the previous application. It had been conditioned that those vehicles travelling to and from the site should not operate before 8am. It was verbally proposed and agreed that this should be added as part of the condition 3, which would become condition 2 due to the deletion of the current condition 2.

The recommendation for approval was proposed, seconded and upon been put to the vote, was agreed unanimously.

Resolved: That the application be approved as per the officer's recommendation, subject to the conditions and informatives set out in report, the addendum sheet circulated and verbal changes agreed above.

78. **S106 / 278 PLANNING AGREEMENTS - QUARTERLY FINANCIAL
MONITORING REPORT** (*Agenda Item 13*)

Resolved: That: the report be noted.

79. **ENFORCEMENT REPORT** (*Agenda Item 14*)

ENFORCEMENT REPORT

1. That the enforcement action as recommended in the officer's report was agreed.

2. That the Committee resolved to release their decision and the reasons for it outlined in this report into the public domain, solely for the purposes of issuing the formal breach of condition notice to the individual concerned.

This item is included in Part II as it contains information which a) is likely to reveal the identity of an individual and b) contains information which reveals that the authority proposes to give, under an enactment, a notice under or by virtue of which requirements are imposed on a person. The authority believes that the public interest in withholding the Information outweighs the public interest in disclosing it (exempt information under paragraphs 2 and 6a of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended).

The meeting, which commenced at 7.00 pm, closed at 8.27 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Jon Pitt on 01895 277655. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.