

Minutes



CENTRAL & South Planning Committee

4 June 2019

Meeting held at Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW

	<p>Committee Members Present: Councillors Ian Edwards (Chairman), Roy Chamdal (Vice-Chairman), Shehryar Ahmad-Wallana, Mohinder Birah, Nicola Brightman, Alan Chapman, Jazz Dhillon, Janet Duncan (Labour Lead) and Steve Tuckwell</p> <p>Also Present (as Ward Councillor): Councillor Stuart Mathers (in relation to agenda item 6) Councillor Richard Mills (in relation to agenda items 7 and 10)</p> <p>LBH Officers Present: Meghji Hirani (Planning Contracts Manager), Kerrie Munro (Legal Advisor), Liz Penny (Democratic Services Officer), James Rodger (Head of Planning and Enforcement) and Alan Tilly (Transport and Aviation Manager)</p>
3.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
4.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>Councillor Janet Duncan declared a non-pecuniary interest in agenda item 6 as she had been conversing with residents about this case. Councillor Duncan confirmed that she would leave the room prior to the discussion of this item.</p> <p>Councillor Roy Chamdal noted that he had received an email from a resident regarding agenda item 7 but had not responded. It was confirmed that there would be no requirement for him to leave the room during the discussion of this item as he was in a position to consider the application without prejudice.</p>
5.	<p>TO SIGN AND RECEIVE THE MINUTES OF THE PREVIOUS MEETING (<i>Agenda Item 3</i>)</p> <p>RESOLVED That: the minutes of the meetings dated 2 May 2019 and 9 May 2019 be agreed as an accurate record.</p>
6.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
7.	<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</p>

CONSIDERED IN PRIVATE (*Agenda Item 5*)

It was confirmed that agenda items 1 to 13 were marked Part I and would be considered in public and agenda item 14 was marked Part II and would be considered in private.

8. **LAND ADJACENT TO 26 HAWTHORNE CRESCENT - 44222/APP/2019/323**
(*Agenda Item 6*)

Councillor Janet Duncan had declared an interest in this item and left the room prior to commencement of the discussions.

Officers introduced the report and highlighted the addendum. The application sought permission for the amendment of Conditions 2 (Approved Plans) and 6 (External Windows), comprising a pitched roof over the single storey rear element and the inclusion of three additional windows across both floors on the South flank elevation; together with two roof lights to the front and two on the rear elevation. It was considered that the proposal would not be harmful to the amenity of nearby residents or to the character and appearance of the immediate locality. It was also considered that the level of parking would be acceptable and the proposed dwelling met The London Plan (2016) and Local Plan space standards. The application was recommended for approval subject to the conditions proposed.

A petitioner spoke in objection to the application. Key points highlighted included the following:

- It was reported that there were inconsistencies in the plans submitted;
- Concerns were raised that there was an intention to convert the dwelling into flats at a later date;
- The site was overdeveloped and out of character with the surrounding area;
- There would be overlooking into neighbours' gardens;
- The development was reportedly unsafe - the disturbance had caused the rear of the properties to become destabilised and had resulted in fences collapsing;
- It had been stated that there would be no adverse impact on trees - this was untrue as the roots of a 60 foot tree in the petitioner's garden had been damaged. A tree surgeon would be coming to investigate this;
- The work was being carried out at antisocial hours and in an unhealthy environment - an open toilet was on site which was a health and safety concern. Residents had already complained about this to the Health and Safety Executive.

In response to questions from the Committee, the petitioner confirmed that the tree was an Ash. It was confirmed that it was not subject to a TPO and had not been inspected by tree officers.

Councillor Stuart Mathers addressed the Committee as Ward Councillor. Councillor Mathers echoed the concerns of residents commenting on the overdevelopment of the site, the invasion of privacy, the instability of the site, concerns regarding the proposed rear lights and additional windows at the property and the lack of co-operation between developers and neighbours. Councillor Mathers requested that Members visit the site to view for themselves the impact of the work being carried out there.

In response to Members' questions it was confirmed that no building work had been undertaken in neighbours' gardens although the plans appeared to indicate otherwise.

In her capacity as Ward Councillor, Councillor Jan Sweeting had submitted a written submission highlighting her concerns; this was read out by the Chairman. Key points included the following:

- The petitioners were very distressed by the situation and some neighbours had reported damage to their properties;
- The building had not been constructed in accordance with the planning permission granted;
- It was reported that the work had been carried out in an unsafe manner and had resulted in both destabilising an earth bank and destroying boundary fences and mature trees;
- The damage to neighbours' rear gardens had not been repaired and had made them unsafe and hazardous - enforcement action was suggested;
- The proposed additional windows in the roof seemed excessive and the height of the roof space suggested that it could potentially be used as a living space in the future rather than for storage;
- It was requested that the windows to the roof space be disallowed and the other proposed windows reduced in size;
- A site visit was recommended.

Members were reminded that, although a number of reasons for refusal had been cited, only those which related to material matters could be taken into consideration; these did not include the references to the toilet or the antisocial working hours mentioned.

Comments were invited regarding the allegation that the proposed works would not be in keeping with the surrounding area. The Planning Contracts Manager advised Members that similar sloping roofs were in existence throughout the Borough and the proposed pitched roof was acceptable in terms of Hillingdon Design and Accessibility Statement (HDAS). With regard to the matter of overlooking, Members were informed that, although the building work was close to the boundary, none of the main windows overlooked neighbouring habitable rooms. It was agreed that condition 7 be amended to ensure windows were obscured to a specific level (Pilkington Level 4) and non-opening below a given height.

In reference to the alleged unsafe development and concerns regarding trees, The Head of Planning and Enforcement advised Committee Members that it was not possible to consider non-material / boundary matters at the meeting. Any alleged enforcement issues would need to be addressed separately in private (Part II). The Legal Officer commented that an investigation would need to be undertaken first to establish whether conditions had indeed been breached.

In response to Members' enquiries, it was confirmed that the 60 foot tree was considered to be far enough away from the site to be unaffected by the works. Members were reminded that issues regarding trees were not relevant to the application before the Committee.

Members enquired whether it would be possible to impose a restriction on the future use of the roof space thereby ensuring it would remain non-habitable storage space only. It was confirmed that this would be a possibility but was unlikely to hold up should the applicant choose to lodge an appeal. In response to questions from the Committee, it was confirmed that the rooflights could be conditioned to be non-openers. Members were further advised that the windows to the first floor would be obscured whilst there was no requirement for this on the ground floor.

The officer's recommendation was moved, seconded and, when put to a vote, unanimously agreed subject to the amendment of Condition 7 and the addition of a number of further Conditions to reassure residents. It was also agreed that the Head of Planning would further explore the matter of the trees and the Democratic Service Officer was requested to follow up on the antisocial behaviour concerns raised by the petitioner and Ward Councillors.

RESOLVED That:

- 1. The application be approved and the Head of Planning and Enforcement be delegated authority to amend condition 7 (to ensure the use of Pilkington Level 4 obscure window glazing) and to add conditions in relation to fixed rooflights, the retention of a single residence and the avoidance of future sub-division of the property;**
- 2. The Head of Planning explore further concerns regarding trees as discussed at the meeting;**
- 3. Democratic Services explore further the environmental / antisocial behaviour issues raised by the petitioner at the meeting.**

9. **40 MICAWBER AVENUE - 10947/APP/2019/885** (*Agenda Item 7*)

Officers introduced the application and highlighted the addendum. The application sought planning permission for a single storey front extension, single storey rear extension and raising and enlargement of roof space and existing four dormers to create additional habitable roofspace. Members were informed that there were a variety of roof designs in the local area and the application was recommended for approval.

Councillor Richard Mills addressed the Committee as Ward Councillor in objection to the application. Key points raised included:

- The property was already over-developed;
- Further extensions would not be in keeping with the street scene;
- The application sought to raise the roof by 1.2m which was a concern as there was already overlooking to neighbours' properties; especially in St Margarets Avenue;
- The existing dormers were proportionate to the dwelling whilst the proposed new ones would not be;
- There had been a number of enforcement orders in relation to the property, some of which were ongoing;
- The proposed development would result in a three storey building - the original bungalow had been one storey only.

Members expressed concern that the proposal constituted overdevelopment and there would be increased overlooking both to St Margarets Avenue and to the adjacent property - 38a. In response to this, it was confirmed that windows to habitable rooms would look out onto the road or the garden not onto neighbouring properties. Members were advised that Condition no. 5 would ensure that windows facing 38a and 42 Micawber Avenue were obscure glazed and non-opening below a height of 1.8 metres.

Members expressed further concerns regarding the impact on the street scene. It was felt that the increased roof height would not be in keeping with the rest of the road and was out of character. In response to this, Members were informed that there was a

property in existence a few doors away which was higher at its peak than the proposed development. However, it was noted that planning permission for this property had been granted in 1988 when standards were different. In response to their questions, Members were advised that there was no requirement for the window in the apex of the roof to be obscure glazed as it looked out over the rear garden. Councillors commented that the garden at no. 38a was already dominated by the neighbouring property and it was felt that the proposed development would be excessive and would create further issues in relation to noise. It was essential that the amenity of residents was protected. In summary, the Committee had considerable concerns regarding matters of overlooking, loss of privacy and impact on the street scene.

Members were reminded by the Legal Advisor and the Head of Planning that, if they were minded to refuse the application, they needed to have robust reasons to do so. The impact on the street scene was a matter that could be argued at an appeal stage.

Members proposed that the application be refused on the basis of its height, bulk and impact on the street scene. This proposal was then moved, seconded and, when put to a vote, unanimously agreed.

RESOLVED That: the application be refused on the basis of its height, bulk and impact on the street scene.

10. **64 SEATON ROAD - 74378/APP/2018/4238** (*Agenda Item 8*)

Officers introduced the application which sought planning permission for a part two-storey, part single storey rear extension involving the demolition of the existing garage.

Members noted that, on page 42 of the agenda, the Highways Officer had recommended that the application be refused on highway safety grounds. The Committee was reassured by the Transport and Aviation Manager that the existing garage was sub-standard and too small to accommodate a large modern car. Members were informed that the proposed revised parking arrangements utilising the front garden area would be preferable and officers had no concerns in this regard.

Members commented that they were happy with the application as it stood. The officer's recommendation was moved, seconded and, when put to a vote, unanimously agreed.

RESOLVED That: the application be approved.

11. **THE STABLE, BENBOW WAYE, COWLEY - 45830/APP/2019/505** (*Agenda Item 9*)

Officers introduced the application which sought planning permission for the erection of a 2-bed bungalow, involving the demolition of an existing mobile home and outbuildings. Members were informed that the application followed a recent scheme allowed on appeal for a replacement dwelling with the same footprint, but including a first floor. Given the appeal decision, the current proposal for a lower replacement dwelling was considered to be acceptable subject to appropriate conditions.

Members raised no concerns in regard to the application. The officer's recommendation was moved, seconded and, when put to a vote, unanimously agreed.

RESOLVED That: the application be approved.

12.	<p>LAND REAR OF 65-75 WORCESTER ROAD, COWLEY - 73918/APP/2019/795 (Agenda Item 10)</p> <p>Officers introduced the report and highlighted the addendum. The application sought planning consent for the demolition of existing garages and the erection of four (2 x 2 bedroom and 2 x 3 bedroom) dwellinghouses with landscaping and car parking.</p> <p>Members were advised that a previous application had been refused. The revised application was deemed to be acceptable as it provided adequate parking and external amenity space. It was considered that the development would not be detrimental to the adjoining area of special local character or the amenity of neighbouring residents. The application was recommended for approval.</p> <p>Councillor Mills spoke as Ward Councillor in objection to the application. Whilst he acknowledged that the proposal was preferable to the previous one, Councillor Mills expressed concern that the proposed larger 3-bed dwellings would be overbearing as they were far greater in height than the existing garages. Overlooking to numbers 71 and 73 was a further area of concern as was the matter of overshadowing. It was suggested that, since the number of vehicles movements had been assessed on the basis of the existing garages, the same rule should apply in relation to height. Members were informed that large vehicles would struggle to access the site safely. In summary, the matter of size and scale was still an area of concern and there would be significant overlooking and overshadowing of gardens in Worcester Road.</p> <p>Members commented that the proposed development was an improvement on the previous one. It was suggested that the development of such unused sites was beneficial in order to reduce the likelihood of anti-social behaviour becoming an issue. Councillors commented that the proposed hipped ends were much more acceptable and stated that, although there would be a degree of overshadowing to Clammas Way, there would be none in Worcester Road. It was therefore considered that there was no additional planning harm in relation to this application.</p> <p>The officer's recommendation was moved, seconded and, when put to a vote, unanimously agreed.</p> <p>RESOLVED That: the application be approved.</p>
13.	<p>15 AND 16 WELBECK COURT, WELBECK AVENUE - 62373/APP/2019/575 (Agenda Item 11)</p> <p>This item was withdrawn by the applicant prior to commencement of the meeting.</p>
14.	<p>5B WINDSOR STREET, UXBRIDGE - 63792/APP/2019/975 (Agenda Item 12)</p> <p>Officers introduced the report which sought consent for the change of use from retail (Use Class A1) to hot food takeaway (Use Class A5) and installation of external duct to the rear of the building. Members were informed that the site was located within the Old Uxbridge / Windsor Street Conservation Area. It was confirmed that, according to the Annual Shopping Survey 2016, Uxbridge retail frontage with A1 use was currently at 67.1% which was below the minimum 70% required. As such it was considered that the proposed change would not comply with Policy S11 of the Hillingdon Local Plan.</p> <p>Members expressed concern regarding the visibility of the external duct and the fact</p>

	<p>that it would be sited in close proximity to an existing first floor window; this raised concerns regarding the potential for noise and smell.</p> <p>The officer's recommendation was moved, seconded and, when put to a vote, unanimously agreed.</p> <p>RESOLVED That: the application be refused.</p>
15.	<p>132 UXBRIDGE ROAD, HAYES - 3125/APP/2019/545 (<i>Agenda Item 13</i>)</p> <p>This item was withdrawn by the applicant prior to commencement of the meeting.</p>
16.	<p>ENFORCEMENT REPORT (<i>Agenda Item 14</i>)</p> <p>RESOLVED:</p> <ol style="list-style-type: none"> 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 the report into the public domain, solely for the purposes of it issuing the formal breach of condition notice to the individual concerned. <p><i>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 6(a) of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1085 as amended).</i></p>
	<p>The meeting, which commenced at 7.00 pm, closed at 8.45 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Liz Penny on 01895 250185. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.