

## Minutes

### BOROUGH PLANNING COMMITTEE

7 September 2022

Meeting held at Committee Room 5 - Civic Centre



	<p><b>Committee Members Present:</b> Councillors Henry Higgins (Chairman) Steve Tuckwell (Vice-Chairman) Ekta Gohil Gursharan Mand Raju Sansarpuri Jagjit Singh Adam Bennett</p> <p><b>LBH Officers Present:</b> Roz Johnson, Planning Services Manager Fiona Rae, Planning Team Leader Nesha Burnham, Principal Planning Officer Katie Crosbie, Planning Team Leader Glen Egan, Office Managing Partner - Legal Services Alan Tilly, Transport Planning and Development Manager</p> <p><b>Ward Councillors Present:</b> Councillor Kishan Bhatt Councillor Jonathan Bianco</p>
32.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Councillor Farhad Choubedar with Councillor Adam Bennett substituting.</p>
33.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
34.	<p><b>TO SIGN AND RECEIVE THE MINUTES OF THE PREVIOUS MEETING</b> (<i>Agenda Item 3</i>)</p> <p><b>RESOLVED:</b> That the minutes from the meeting dated 12 July 2022 be approved as a correct record.</p>
35.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>None.</p>
36.	<p><b>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND THE ITEMS MARKED PART II WILL BE</b></p>

**CONSIDERED IN PRIVATE** (*Agenda Item 5*)

It was confirmed that all items would be heard in Part I.

37. **20 CHURCH ROAD - 23251/APP/2022/477** (*Agenda Item 6*)

**Demolition of existing detached property and erection of a new build comprising of 5 self-contained flats.**

Officers introduced the application and made a recommendation for refusal. The proposed refusal reason 6 was highlighted as of particular concern to officers as there was a proposed basement level however no Basement Impact Assessment had been submitted in support of the application. Officers went on to summarise the remaining suggested reasons for refusal, particularly highlighting that the bulk of the proposed building would be larger than the previous structure, which was already sizeable, additionally highlighted was the loss of a tree to the front of the property.

A petition had been submitted objecting to the application; the lead petitioner was present and addressed the Committee. Key points of their address included:

- It was noted that the application site was nearby to the Cowley Church Conservation Area and petitioners had raised an objection in order to protect the environmental integrity and heritage assets of the Cowley Village community;
- The past few decades had seen a significant number of the detached properties on Church Road converted into multiple dwellings; this had an impact on the character and appearance of the street, also leading to increased crowding and the loss of many hedge and tree frontages;
- Petitioners agreed with officers recommendations and highlighted concerns around the proposed excavation of a basement, most notably potentially endangering the structural integrity of neighbouring houses;
- Petitioners supported the highways and parking concerns raised in the officer report, specifically referencing the bus stops opposite the site stating that any increase in the number of vehicles entering and exiting number 20 would present an additional highways safety risk.

Officers confirmed that they understood the concerns of petitioners on the impact of the development on the nearby heritage assets however it was deemed the distance between heritage assets and the site were significant enough not to warrant a reason for refusal.

The agent for the application was also present and addressed the Committee. Key points of their address included:

- It was stated that the fall back of the development was less than 3 metres and could be achieved under permitted development rights;
- In terms of overshadowing, the development respects the 45 degree angle rule on both the ground floor and first floor;
- At no point during the pre-application had officers recommended that a Basement Impact Assessment was required, though they were happy to accept the need for a Basement Impact Assessment by way of condition should the Committee grant the application;
- The proposals would provide well sized living space with sufficient headroom and amenity space;

- The height of the original structure's roof would be matched by the new development with the only roof additions being a double pitch and dormer window;
- Regarding the front elevation, it was stated that the proposals would feature a more harmonious design with a symmetrical double frontage making the front façade slightly smaller than the existing building;
- There was no risk to the surrounding properties should the excavation of a basement take place;
- There were no TPOs on the trees to the front of the property and it was within the owner's rights to remove the tree should they please;
- In response to a question from the Committee, the agent confirmed that there would be 5 car parking spaces provided, one for each flat, meeting the Council's criteria.

With regard to the permitted development fall back noted by the agent, officers highlighted that when considering this, it should be noted that no certificate of lawfulness had been submitted to establish that such works could take place without planning permission. Officers highlighted that explicit planning permission would not be required for the owner to simply demolish the existing building.

In relation to the Basement Impact Assessment, it was noted that it was a clear requirement for the application and Members echoed officers' concerns that no Basement Impact Assessment had been submitted. The Committee queried whether officers knew of any other basement excavations in Church Road to which Members were informed that officers were not aware of any basement in the local vicinity, however this did not mean that basement excavations were unacceptable in principle.

Members stressed the importance of facilitating quality housing in the Borough and noted that the removal of the tree to the front of the property, only to have it replaced with a parking space had a tangible detrimental impact to the local street scene. It was also highlighted that the size of the front façade to the proposed building was acceptable, however the issues with bulk occurred as the property went further back.

The Committee agreed with the officer's suggested reasons for refusal and were generally supportive of the recommendation to refuse the application in its current form.

The officer's recommendation was moved, seconded, and when put to a vote, unanimously agreed.

**RESOLVED That the application be refused as per the officer's recommendation.**

38. **37 BURWOOD AVENUE - 40305/APP/2022/382** (*Agenda Item 7*)

**Variation of Condition 2 (approved plans) of planning permission ref. 40305/APP/2021/363, dated 30 March 2021 (Single storey rear extension with roof light, two storey side extension and conversion of roofspace to habitable use to include a rear dormer, 2 x front rooflights) to alter fenestration, lower ground floor height and add privacy screens.**

Officers introduced the application noting that it was, in part, retrospective and that a site visit confirmed that the development had not been built in accordance with approved plans. The site was located within the Eastcote Park Estate Conservation Area.

It was highlighted that, based on officer's site visit measurements, the raised patio was 1.4m high, approximately 30cm higher than the approved scheme. The raised patio as constructed was deemed to have resulted in an unreasonable loss of privacy and overlooking to neighbouring occupiers. Further to this it was noted that the ground level of the rear garden at number 35 was lower than the application site, adding to the loss of privacy and overlooking issues. The proposed bamboo screening was deemed to be a discordant feature and would not satisfactorily mitigate the overlooking and loss of outlook issues.

It was noted that officers felt there was no grounds for a refusal reason based on the height of the single storey rear extension, which was approximately 40cm higher than the approved scheme, due to the rear extension not causing a significant loss of outlook or light to adjoining occupiers. It was also highlighted that the single storey extension achieved an appropriate degree of subordination to the two-storey host dwelling. Members attention was drawn to the addendum outlining a disparity in height measurements taken by officers and petitioners however officers confirmed that they were satisfied that the rear extension was indeed subordinate.

Officers highlighted that the pavements to the front of the property were damaged during the vehicle crossover works. The Council's Highways department had confirmed that the works were legal, however the damaged footway would need to be investigated by the Highways department as this did not come under the authority of the Planning department. The application was recommended for refusal.

A petition had been submitted objecting to the application. The lead petitioner was present and addressed the Committee. Key points of their address included:

- Their petition had gained 41 signatories from 23 properties of the Eastcote Park Estate;
- If the applicant had built the development as shown in the original plans then there would not have been an issue;
- With regard to the patio, petitioners supported the officers remarks highlighting that there were no balustrades to transition to a lower level, just one large platform;
- The rear extension was stated to dominate outlook from neighbouring occupiers and petitioners did not agree with the officers statements that the height of the extension was acceptable;
- The frontage of the property was stated to feature an excessively sized driveway and entry from the road;
- The heritage door had been removed and replaced with a synthetic grey door, not in keeping with the character of the Eastcote Park Estate Conservation Area;
- The applicant had made inaccurate and misleading heritage statements in their initial submission and had not engaged with neighbours at any point of the process.

The Committee sympathised with petitioners and noted a lack of respect from the applicant in carrying out the works. Members initially sought to clarify if there was any evidence that the damage to the holly tree referenced in the report. Officers confirmed that the damage was caused by the works carried out.

Members queried whether the existing patio to the back of number 35 may have already set a precedent of overlooking into the garden of number 37. Officers

confirmed that the patio at number 35 was screened by the conservatory and therefore did not set a precedent of overlooking.

The Committee considered the possibility of adding a refusal reason based on the height of the single storey rear extension with some Members noting that the extension did not appear subordinate to the host dwelling. Officers confirmed that the extension was too tall to be in accordance with policy, however on balance, they did not feel that a refusal reason based on the height of the rear extension would be upheld by the Planning Inspectorate, should an appeal be lodged. The Committee were in agreement that an additional refusal reason on the grounds of height should be added as the design led to an overbearing structure; Members were minded to delegate the wording of such a refusal reason to be agreed by officers in conjunction with the Chairman.

The officer's recommendation, inclusive of the additional reason for refusal associated with the height of the rear extension, was moved, seconded, and when put to a vote, unanimously agreed.

**RESOLVED:**

- 1) That the application be refused; and**
- 2) That authority be delegated to Planning Service Manager, in conjunction with the Chairman, to word an additional reason for refusal based on the height of the rear extension.**

39. **4 ROFANT ROAD - 6923/APP/2022/1490** (*Agenda Item 8*)

**Erection of a new single dwelling house with associated landscaping.**

Officers introduced the application noting that it was recommended for refusal for two primary reasons. These were the harm to the character and visual amenities of the area, and the loss of two street trees and insufficient measures being taken to protect adjacent trees under a TPO.

A petition had been received objecting to the application. The lead petitioner was present and addressed the Committee. Key points of their address included:

- The petition had gained 22 signatures and all of them agreed with the officer's suggested reasons for refusal;
- The application was for backland development and the scale and design of the proposals were not in keeping with the character of the area;
- The removal of two mature trees in order to facilitate dropped kerb access was contrary to planning policy;
- Building a two-storey detached dwelling in the back garden of 4 Rofant Road meant the narrow access to Ashbourne Square would be completely hemmed in by two storey buildings What would equate to a large windowless wall along the length of the access road would be an oppressive sight;
- To facilitate access to the garden land at the rear of 4 Rofant Road, it would be necessary to create an entirely new frontage on the access road to Ashbourne Square. This section of road was very narrow and only suitable to provide access to Ashbourne Square;
- Any visitors travelling by car to the proposed dwelling would be required to park along Rofant Road rather than Ashbourne Square; Rofant Road was under a Controlled Parking Zone;

- The fundamental changing of the access road would increase the frequency and severity of obstructions along the access road.

Members were in agreement that the proposals were a form of backland development and noted that the materials used was covered within the officer's first suggested refusal reason; however, Members sought to query whether an additional, more succinct, refusal reason could be made with regard to materials. Officer's noted that refusal reason one related to the design of the development and the lack of harmony with the existing street scene; it was felt that the primary issue with the materials used would be in accordance with the lack of harmony reason.

The Committee sought clarification in that the Highways report contained no objection to the development however petitioners raised a Highways concern. It was confirmed that the application would provide one car parking space for one new dwelling, it was deemed the addition of one vehicle to the flow of traffic would not have a significant impact.

The officer's recommendation was moved, seconded, and when put to a vote, unanimously agreed.

**RESOLVED That the application be refused as per the officer's recommendation.**

40. **169 JOEL STREET - 22642/APP/2022/1923** (*Agenda Item 9*)

**Demolition of the existing dwelling and erection of a part one, part two, and part three storey building comprising 8 flats (1 x studio, 5 x 1-bed, 1 x two-bed, 1 x three-bed) with 4 parking spaces.**

Officers introduced the application noting that it was a resubmission following the refusal of a previous application for the site; a subsequent appeal was dismissed by the Secretary of State; however one of the Council's original refusal reasons was not upheld, this being the harm that the original scheme caused to the character of the local area. The primary change to the previous application was a reduction in the proposed number of flats from nine to eight, which also resulted in an overall reduction in the size, scale and bulk of the building.

Officers were confident that the previous refusal reasons had been addressed, namely the loss of outlook to neighbouring occupiers and that the front dormer was now in keeping with the character of the area. The application was recommended for approval.

A petition had been submitted objecting to the application. The lead petitioner submitted a written statement which was read out at the meeting. Key points included in the statement included:

- This was the third attempt from the applicant to convert their home into flats with the issues from the previous applications remaining;
- The proposals were not in keeping with the character of Joel Street;
- Petitioners were dissatisfied with the changes made to the proposed scheme and felt that the site was unsuitable for the development of flats;
- On street parking in the local area was under stress already and the proposals would increase the number of residents and visitors would increase traffic congestion and parking on and around Joel Street;
- The shared amenity space to the back of the property would cause a noise

disturbance to neighbouring occupiers;

- The redevelopment of the site would lead to increased greenhouse gas emissions from the construction and the increased number of occupants on the site.

The agent for the application had also submitted a written statement which was read out. Key points in the statement included:

- A number of changes to the scheme had been made in response to the previously refused application, most notably the reduction in the number of flats, a reduction in the depth of the building by 1.5 metres, a reduction in the number and size of rear dormers, and the removal of the first and second floor rear balconies;
- The reduction in units had also meant the parking ratio of 0.5 spaces per unit was now in accordance with an already consented nearby scheme;
- The Council policies supported the redevelopment of previously developed sites within walking distance of train stations and bus stops to help meet the Council's housing needs;
- Two overnight parking surveys had been conducted within a 200 metre radius of the site, identifying that on-street parking on Joel Street already existed such that any additional parking would not result in unreasonable congestion or traffic obstruction.

Ward Councillor for Northwood Hills, Councillor Kishan Bhatt, was present and addressed the Committee in support of the petitioners. Key points of his address included:

- The proposed scheme's parking provision was inadequate. Joel Street was a busy road and the additional stress on roadside parking would worsen congestion issues. Increased congestion would equal increased risk, particularly with school children in the vicinity;
- The proposed scheme would have an overbearing visual impact on the street scene effecting residents view of the area.
- In response to questions from the Committee regarding on-street parking capacity, the Ward Councillor stated that there were a number of local amenities nearby, including the cricket club, which added to parking stresses on a regular basis.

Officers clarified that parking provision was not a reason for refusal given when the previous application was refused by the Committee; the provision of four spaces in the current scheme was policy compliant and Members were advised to avoid using parking provision as a reason for refusal, should they be minded to refuse the application.

The Committee commented that, although they sympathised with petitioners, the addition of eight flats would not have a significant impact on local parking stresses, considering four spaces would be provided by the development. Some Members felt that the scheme could still be improved further however realised that there were no longer grounds for refusal.

The officer's recommendation was moved, seconded, and when put to a vote, unanimously agreed.

	<b>RESOLVED That the application be approved as per the officer's recommendation.</b>
41.	<p><b>104 HIGH STREET, RUISLIP - 11564/APP/2022/1395</b> (<i>Agenda Item 10</i>)</p> <p><b>Change of use from a barber shop (Use Class E(c)(iii)) to mixed-use hair, beauty and nail salon (Sui Generis). No changes to external elevations.</b></p> <p>Officers introduced the application highlighting that it was recommended for approval subject to the proposed conditions. Members noted that they had no objections with the application and commented that it would help to bolster the business on Ruislip High Street.</p> <p>The officer's recommendation was moved, seconded, and when put to a vote, unanimously agreed.</p> <p><b>RESOLVED That the application be approved as per the officer's recommendation.</b></p>
42.	<p><b>43 SWEETCROFT LANE - 17412/APP/2022/854</b> (<i>Agenda Item 11</i>)</p> <p><b>Variation of Condition 2 (Approved Plans) and Condition 5 (Obscure Glazing) of planning permission ref. 17412/APP/2019/2186 dated 16/10/2019 'Single storey side extensions, single storey rear extension and for conversion of roof space to habitable use to include, raising of ridge of roof, 6 side dormers, 5 side rooflights and extension and conversion of front and rear of roof from hip to gable end with new gable end windows' to allow minor fenestration changes, changes to the rooflights and dormers, internal layout changes and the ground floor side windows to remain obscure glazed but be restricted opening to allow for natural ventilation (AMENDED PLANS AND DESCRIPTION).</b></p> <p>Officers introduced the application noting that a breach of condition notice had been served on the site and subsequently a new application had been submitted to remedy the issues. Officers summarised the report and recommended the application for approval.</p> <p>The Committee queried the direction in which the ground floor side windows would be able to open. Officers highlighted that the windows would be openable to a limit of 75mm however the direction of opening was not considered a significant factor and therefore was not dictated by means of planning constraints.</p> <p>The officer's recommendation was moved, seconded, and when put to a vote, unanimously agreed.</p> <p><b>RESOLVED That the application be approved as per the officer's recommendation.</b></p>
43.	<p><b>8 BURLEIGH ROAD - 8262/APP/2022/1504</b> (<i>Agenda Item 12</i>)</p> <p><b>Erection of a single storey rear extension.</b></p> <p>Officers introduced the application and noted that it was recommended for approval. Members noted that they had no issues with the application, particularly because</p>

	<p>neighbouring properties had existing rear extensions.</p> <p>The officer's recommendation was moved, seconded, and when put to a vote, unanimously agreed.</p> <p><b>RESOLVED That the application be approved as per the officer's recommendation.</b></p>
	<p>The meeting, which commenced at 7.00 pm, closed at 8.58 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Steve Clarke on 01895 250636. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.