

Report of the Corporate Director of Planning & Community Services

Address 2 LEA CRESCENT RUISLIP

Development: Single storey outbuilding to rear for use as a complementary therapy treatment room, and provision of home office / hobby room.

LBH Ref Nos: 48985/APP/2009/165

Drawing Nos: Supporting Documents (Qualifications)
Location Plan at Scale 1:1250
Design and Access Statement
Flood Risk Matrix
1:200 Block Plan
Un-numbered floor plan and elevations

Date Plans Received: 26/05/2009 **Date(s) of Amendment(s):** 26/02/2009
Date Application Valid: 26/05/2009 26/03/2009
26/05/2009

1. SUMMARY

The proposal involves the erection of an outbuilding within the rear garden of the property and the use of part of this building for complementary therapy treatment. The size and scale of the outbuilding is considered acceptable and given the small scale nature of the business use proposed it is not considered to have an unacceptable impact on adjoining occupiers or result in traffic and parking problems.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T6 Temporary Use - Discontinuance

The use hereby permitted shall be discontinued on or before 31st August 2011.

REASON

It is not considered appropriate to grant a permanent permission for the use until its effect on the amenities of the locality has been assessed in compliance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

2 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 NONSC Non Standard Condition

The use of the outbuilding for complementary therapy treatment shall only operate between 17.00 hours and 20.00 hours Mondays to Fridays, between 9.00 hours and 12.00 hours on Saturdays and at no time on Sundays and Public or Bank Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE1 and OE3 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

3. CONSIDERATIONS

3.1 Site and Locality

No.2 Lea Crescent is located at the junction of Lea Crescent and Clyfford Road, with its side boundary adjoining Clyfford Road and the rear boundary adjoining a rear service road, beyond which is No.127 Clyfford Road. The area is located within a developed part of the Borough, as identified in the Adopted UDP, saved Policies September 2007. There are a number of small trees alongside the boundary with Clyfford Road, and a Hawthorn hedge and the garden itself is attractively landscaped.

No.2 Lea Crescent has a single storey flat roof side extension, alongside the boundary with Clyfford Road, with parking for two cars to the front. At the bottom of the rear garden, alongside the rear boundary with the service road is a detached outbuilding/shed.

3.2 Proposed Scheme

This application seeks permission to demolish the existing outbuilding and replace it with a single storey log cabin, 9m wide x 4m deep x 2.7m high to the ridge. Clarification during the course of this application has revealed that the applicants intend to use one half of this outbuilding for hobbies associated with the main residential use of the property, and the other half for the practising of Complementary Medicine.

Therapies are currently offered to people in the main home, and would be transferred to one half of this outbuilding, and would include nutrition, iridology and hypnotherapy, aromatherapy, Indian head massage, Hopi Ear candling and Reiki.

A couch would be used in association with these activities, and supporting documentation provided includes copies of various qualification certificates. In addition, a petition containing 27 signatures of support is appended to the application.

3.3 Relevant Planning History

48985/A/94/0548 2 Lea Crescent Ruislip
Erection of a two storey side extension

Decision: 22-07-1994 Approved

Comment on Relevant Planning History

Although the property has had planning permission for a two storey side extension, in 1994

(94/0548), this has not been implemented.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

AM14	New development and car parking standards.
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.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

19 residents and South Ruislip Residents Association have been consulted. One reply received stating no objection to the proposal provided its intended future use does not include any residential use. Parking is already bad in Clyfford Road, and they would also be concerned about any business purpose that would create a noise nuisance. This neighbour is particularly concerned regarding potential noise and disturbance as he is a shift worker.

Environment Agency - no objection.

Internal Consultees

None

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Not applicable to this application

7.02 Density of the proposed development

Not applicable to this application

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

Not applicable to this application

7.04 Airport safeguarding

Not applicable to this application

7.05 Impact on the green belt

Not applicable to this application

7.07 Impact on the character & appearance of the area

With regards to the appearance of this proposed outbuilding, the design, materials and siting of the proposed log cabin are such that, whilst it would be partially visible from Clyfford Road, it would be of a an attractive timber finish with a shallow pitched roof, no more than 2.7m high and it would continue to be partially screened from Clyfford Road by the existing hedge, trees and close boarded fence alongside and forming the side and rear boundaries. As such, it would not adversely affect the character and appearance of the property or the wider area, or conflict with Policies BE13, BE15 and BE19 of the Adopted UDP, saved policies, September 2007.

7.08 Impact on neighbours

The proposed detached log cabin would be separated from No.127 Clyfford Road (to the rear) by a service road which extends down the side of its flank wall leading to garages to the rear and this degree of separation is considered to be such that it would not adversely overdominate, overshadow or adversely impact on this immediate neighbour.

With regards to the use of the building for complimentary medical purposes, the Design and Access Statement states that the use will only operate in the evenings on Monday to Friday between 5pm and 8pm and on Saturday morning between 9 and 12. There will only be one visitor at a time and each session would take approximately one hour. On this basis the maximum number attending per day would be 3, giving a total of 18 per week. Furthermore, it should be noted that the use has operated within the main dwelling for some time without any impact on adjoining occupiers. Given the relatively modest nature of the building and the number of visitors per week, it is considered that the use is unlikely to lead to noise and disturbance to adjoining neighbours.

As such, this low level of use would not be detrimental to the amenities of neighbouring residential properties. However, a condition is recommended (T6) restricting this use to a temporary permission, in order that the situation can be reviewed once the use has become operational.

In these circumstances, the proposed use of this building as a complementary therapy treatment room will not adversely affect neighbours, and will not therefore conflict with Policy OE1 of the Adopted UDP, saved policies, September 2007.

7.09 Living conditions for future occupiers

In terms of the remaining garden area, approximately 140 square metres would be retained, which is in excess of the 60 square metres minimum requirement for a 3 bed house. A cramped appearance to the site would not therefore arise and adequate amenity space would remain for occupants of this four bedroom dwelling, in compliance with Policy BE23 of the UDP saved policies September 2007.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The relatively modest nature of the use proposed and the number of visitors anticipated

from the use is unlikely to result in an increase in traffic generation or parking demand such that a refusal could be justified on these grounds.

7.11 Urban design, access and security

See section 7.2

7.12 Disabled access

Not applicable to this application

7.13 Provision of affordable & special needs housing

Not applicable to this application

7.14 Trees, landscaping and Ecology

Not applicable to this application

7.15 Sustainable waste management

Not applicable to this application

7.16 Renewable energy / Sustainability

Not applicable to this application

7.17 Flooding or Drainage Issues

It is noted that the site falls within a flood Zone 2 area, however given the timber construction and relatively temporary nature of this building, this log cabin would not have any flooding implications, and the Environment Agency have no objection.

7.18 Noise or Air Quality Issues

Not applicable to this application

7.19 Comments on Public Consultations

None

7.20 Planning obligations

Not applicable to this application

7.21 Expediency of enforcement action

Not applicable to this application

7.22 Other Issues

None

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is

unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

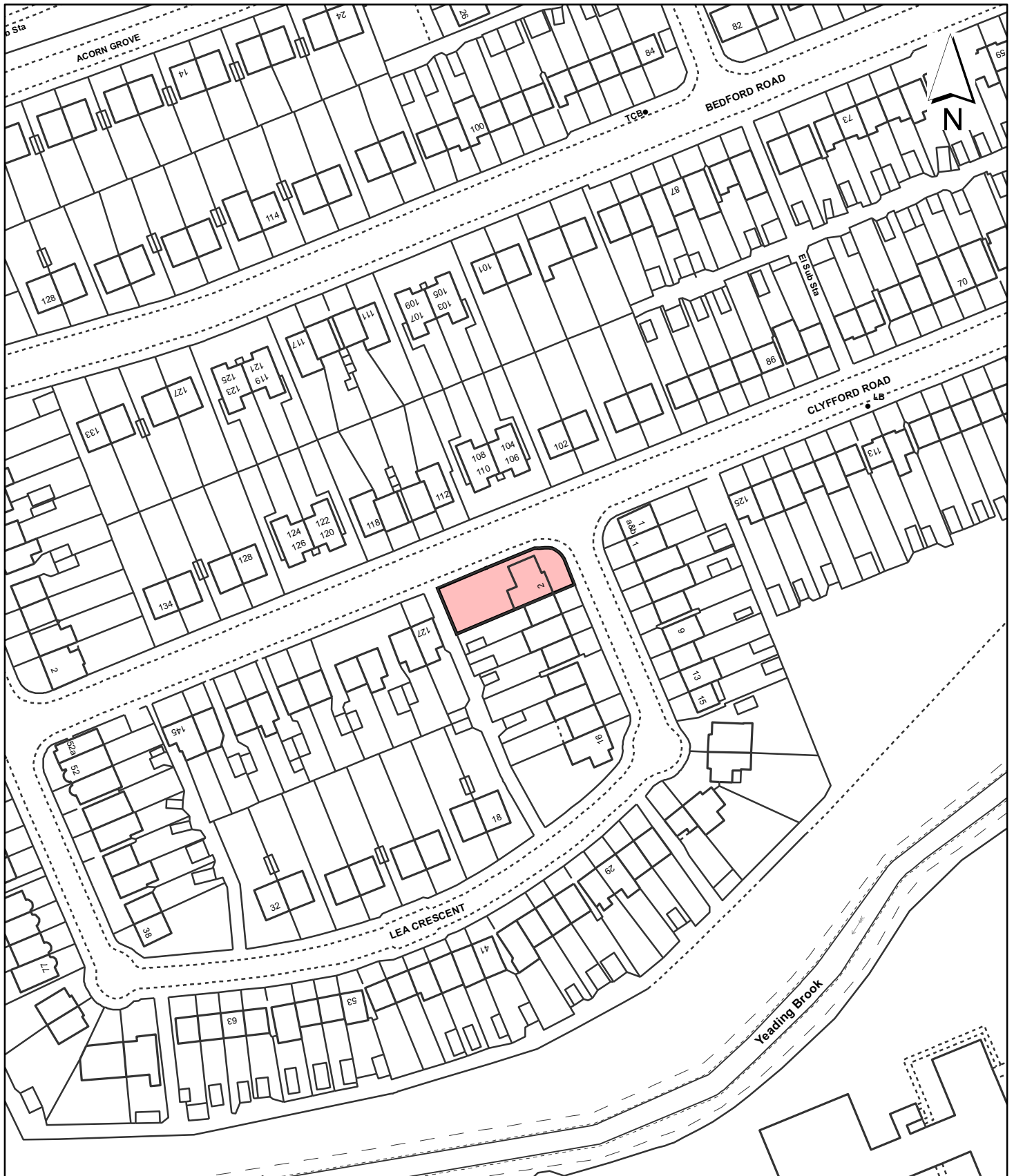
The proposal involves the erection of an outbuilding within the rear garden of the property and the use of part of this building for complementary therapy treatment. The size and scale of the outbuilding is considered acceptable and given the small scale nature of the business use proposed it is not considered to have an unacceptable impact on adjoining occupiers or result in traffic and parking problems. The proposal is thus considered to comply with the Council's policies and is thus recommended for approval.

11. Reference Documents


Unitary Development Plan Saved Policies September 2007
Supplementary Planning Document HDAS: Residential Extensions

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Notes

 Site boundary

For identification purposes only.

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Site Address

**2 Lea Crescent
Ruislip**

Planning Application Ref:
48985/APP/2009/165

Planning Committee
North

Scale
1:1,250

Date
August 2009

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