

Report of the Head of Planning & Enforcement Services

Address THE OLD ORCHARD PARK LANE HAREFIELD

Development: Installation of replacement extraction plant and close boarded fence (Retrospective)

LBH Ref Nos: 3499/APP/2012/2773

Drawing Nos: Photographs
Design and Access Statement
267/12/01 Rev A
267/12/02 Rev A
267/12/04

Date Plans Received: 06/11/2012 **Date(s) of Amendment(s):**

Date Application Valid: 16/11/2012

1. SUMMARY

The Old Orchard Public House seeks retrospective planning consent for the installation of a replacement extraction plant and close boarded fence. In general, the proposal does not cause a detrimental impact on the existing locally listed building or the character and appearance of the area.

However, in its current form both the fence and the extraction plant have an adverse impact on the amenities of the occupiers of the adjoining neighbouring property.

No mitigation measures have accompanied this application which could reduce the level of noise from the extraction plant. Given its close proximity to Old Orchard Lodge, it leads to an increased level of noise to the detriment of the amenities of this neighbour.

Furthermore, the close boarded fence is a dominant and visually intrusive form of development when viewed from the neighbours garden due to its overall height (4.3m from neighbours garden level) and its unpainted appearance.

The application is therefore recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

In the absence of any proposed mitigation measures regarding the control of noise from the site in relation to the nearby residential properties, the application has failed to demonstrate that the development will safeguard the amenities of those properties. The proposal is therefore contrary to Policies OE1 and OE3 of the Hillingdon Local Plan Part 2 - Saved UDP Policies (November 2012).

2 NON2 Non Standard reason for refusal

The close boarded fence, by reason of its size, design and siting results in an overly dominant and incongruous feature in relation to the adjoining property, and as such results in a visually intrusive and an un-neighbourly form of development, resulting in a

material loss of residential amenity. Therefore the proposal is contrary to Policies BE19, BE20 and BE21 of the Hillingdon Local Plan Part 2 - Saved UDP Policies (November 2012) and to the Council's Supplementary Planning Document HDAS: Residential Extensions.

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 I53 **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 (July 2011) 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.
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
OE5	Siting of noise-sensitive developments
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 5.3	(2011) Sustainable design and construction

3 I59 **Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies.

On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

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The Local Planning Authority has sought to act pro-actively by notifying the applicant of issues with the proposed development and providing an opportunity for the applicant to provide amended plans seeking to overcome these issues. However, in this instance amended plans have not been forthcoming and accordingly the scheme is contrary to policy for the reasons set out above.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the south side of Park Lane and is accessed from Jacks Lane which runs in a south-westerly direction. The application site comprises an attractive building which is a locally listed building with jettied wings. It is currently in use as a Public House with an open seating area to one side. The building is positioned on an elevated site overlooking the lake and river valley on the outskirts of Harefield Village.

To the north of the site lies Old Orchard Lodge Cottage, a residential dwelling with its rear garden abutting the application site. The garden level in this neighbouring property is approximately 1 metre lower than the application site and is presently bounded by hedging, with the closed boarded fence above, which is subject of this application.

To the west lies the Old Orchard Cottage, a detached bungalow style dwelling which fronts onto Jack's Lane.

The area in general comprises open countryside and rural in character. The site lies within the Green Belt, the Colne Valley Regional Park and Harefield Village Conservation Area, as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

Planning permission is sought for the installation of replacement extraction plant and a close boarded fence. The application is retrospective with both the extraction plant and fencing already installed.

The extraction plant system is set back from the main front wall along the northern flank of the building against the site boundary with Old Orchard Lodge. The equipment comprises an extraction duct system which is fixated to the main flank wall of the property. The flue connected to the main extract plant is approximately 0.75m in diameter and projects upright and over the existing single storey rear roof. It extends approximately 3.5m over this single storey roof away from the boundary with Old Orchard Lodge, towards the centre of the property.

In order to screen the extraction system from the street and neighbouring properties, a close boarded timber fence has been fixed to the existing retaining wall. The fence measures 1.8m in height. Both the wall and close boarded fence measures 4.3m from the existing ground level on the neighbouring property. The timber boarded fence has a black coated finish facing onto the flank wall of the application building and is unpainted facing onto Old Orchard Cottage.

3.3 Relevant Planning History

3499/AA/95/0611 The Old Orchard Hotel Park Lane Harefield
Change of use of existing hotel to nursing home and erection of three storey side and rear extensions to provide a 53-bedroom facility for 60 patients and associated servicing, car parking and landscaping

Decision: 02-10-1996 Refused

3499/APP/2003/1219 Edwinns Restaurant, The Old Orchard Hotel Park Lane Harefield
ERECTION OF A FRONT PORCH (INVOLVING DEMOLITION OF EXISTING PORCH)

Decision: 16-02-2004 Approved

3499/APP/2008/937 Edwinns Park Lane Harefield
ERECTION OF A TIMBER AND GLASS CONSERVATORY INVOLVING LOWERING OF EXISTING RETAINING WALL, EXTENSION OF TERRACE DINING AREA AND CONSTRUCTION OF NEW STAIRCASE AND RETAINING WALL ADJACENT TO PROPOSED EXTENSION.

Decision: 03-06-2008 Approved

3499/APP/2009/2729 Edwinns, The Old Orchard Park Lane Harefield
Single storey side extension, provision of delivery access road to side, paved terrace area with covered shelter to side to include new wall, new log store shelter and shed, repositioning of gas tank, alterations to banking, new fencing area, enlargement and alteration to car parking area/new fencing and alterations to front entrance, to include demolition of existing bay window to side.

Decision: 11-05-2010 Approved

3499/APP/2009/2730 Edwinns, The Old Orchard Park Lane Harefield
Demolition of existing bay window to side (Application for Conservation Area Consent.)

Decision: 30-03-2010 Withdrawn

3499/APP/2010/1533 Edwinns Restaurant, The Old Orchard Hotel Park Lane Harefield
Details in compliance with conditions 5 (cycle storage), 7 (tree survey), 9 (tree protection) and 13 (landfill gas) of planning permission ref: 3499/APP/ 2009/2729 dated 02/02/2010: Single storey side extension, provision of delivery access road to side, paved terrace area with covered shelter to side to include new wall, new log store shelter and shed, repositioning of gas tank, alterations to banking, new fencing area, enlargement and alteration to car parking area/new fencing and alterations to front entrance, to include demolition of existing bay window to side.

Decision: 04-01-2011 Approved

3499/APP/2010/7 The Old Orchard Park Lane Harefield
Erection of side single storey extension, new side delivery access road, new paved terrace area with covered shelter. Relocation of gas tank, log storage shelter and new shed. Cutting back of banking for the installation of gabion walling to extend parking area. Car park re-surfacing, new

fencing and alterations to existing terrace area.

Decision: 20-01-2010 NFA

3499/APP/2010/8 The Old Orchard Park Lane Harefield

Erection of side single storey extension, new side delivery access road, new paved terrace area with covered shelter. Relocation of gas tank, log storage shelter & new shed. Cutting back of banking for the installation of gabion walling to extend parking area. Car park re-surfacing, new fencing and alterations to existing terrace area (Application for Conservation Area Consent.)

Decision: 29-01-2010 NFA

3499/APP/2012/1924 The Old Orchard Park Lane Harefield

INSTALLATION OF NEW EXTRACTION PLANT TO REPLACE EXISTING PLANT AND THE ERECTION OF A NEW CLOSE BOARDED FENCE TO MASK THE PLANT

Decision: 19-09-2012 NFA

3499/X/90/0763 The Old Orchard Hotel Park Lane Harefield

Erection of three-storey side extension and two- storey rear extension including demolition of ancillary buildings at rear, to provide 42 bedrooms, dining area, meeting rooms and ancillary areas, and associated landscaping

Decision: 29-06-1990 Approved

3499/Z/95/0321 The Old Orchard Hotel Park Lane Harefield

Renewal of planning permission ref. 3499X/90/763 dated 29/06/90; Erection of three storey side extension and two storey rear extension, including demolition of ancillary buildings at rear to provide 42 bedrooms, dining area, meeting rooms and ancillary areas and associated landscaping

Decision: 15-11-1995 Refused

Appeal: 28-06-1996 Dismissed

Comment on Relevant Planning History

There have been several previous historic applications relating to this site. The most recent application (3499/APP/2009/2729) for the erection of a single storey side extension including provision of delivery access road to the side, paved terraced area with covered shelter, new log store shelter and shed and new fencing area was approved by Committee in April 2010. No conditions of relevance were attached or required in relation to boundary treatment.

There is also no record of the previous extraction plant system having had planning permission.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

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.
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
OE5	Siting of noise-sensitive developments
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 5.3	(2011) Sustainable design and construction

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Consultation letters were sent to 3 neighbouring occupiers and the Harefield Village Conservation Area on the 22nd November 2012. A site notice was also displayed to the front of the property on the 2nd December 2012. One representation was received from the neighbouring property.

The objections can be summarised as follows:

- i) The noise generated from the extraction plant has been a significant problem since the Public House refurbishment which has affected the neighbours amenity.
- ii) The visual intrusion of the 4/5m high close boarded fence is oppressive at certain times of the day and impacts on the sunlight into the neighbours garden.
- iii) The extraction plant, in particular the ducting is having detrimental impact on the character and appearance of the Public House and the Conservation Area.
- iv) The extraction plant should have been part of the original planning application. There is an alternative position for the extraction plant on the other side of the building away from the adjoining neighbours.

Internal Consultees

CONSERVATION OFFICER:

This is a most attractive Locally Listed former house in the Arts and Crafts, medieval manor house tradition, designed in an H shape with jettied wings. It is in use as a restaurant and has a recent, well designed single story addition to its southern flank. The building is situated in a high position overlooking the lake and river valley on the outskirts of the village, it lies within Harefield Conservation Area.

The recently installed flues and plant, while unattractive are discretely located and screened from view by the new fence and vegetation along the adjacent field boundary.

No objection.

LANDSCAPE OFFICER:

The proposal is retrospective to install a replacement extraction plant and close-boarded fence (to screen the plant) in the north-east corner of the site. The plant and the fence had been installed at the time of the site inspection, on 13 December.

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

- No trees or other significant landscape features have been affected by the proposal.
- The plant and pipework is extensive and bulky. However, it is situated next to the kitchens at the rear of the building. The boundary is defined to the east by a retaining wall topped by a close-boarded timber fence, behind which the open land beyond rise. The northern boundary is similarly lower than the adjacent land, with a retaining wall, topped by a timber fence. This timber fence has been raised / adjusted to screen this corner of the site from overlooking by a neighbouring residential property.
- The plant is not visible from the front or publically accessible areas of the site.
- In this case landscape conditions are not considered necessary to preserve and enhance the visual amenities of the locality. The installed fencing, together with the local topography is effectively screening the equipment.

No objection and, in this case, no need for landscape conditions.

ENVIRONMENT PROTECTION UNIT:

There is insufficient details about the scheme, for all intent and purpose this is a new extraction system. It appears the fan is located outside and although there will be two silencers, there is no information about sound attenuation that will be provided by the silencers and the acoustic jacket. There is no detail about the fan noise level. The duct is supported on props on the flat roof without anti-vibration mounting or any means of isolation from the roof which will result in transmission of vibration and noise into the structure. Also the termination of the ducting does not comply with best practice guidance.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application seeks to retain an existing extraction plant and close boarded fence in conjunction with the Public House/Restaurant use. The Public House/Restaurant is the established historic use and works associated with this use would therefore be acceptable in principle. This however, is subject to complying with other material planning considerations. These include the impact of the development on the existing building and the Harefield Village Conservation Area, the impact on the amenities of the neighbouring property and noise considerations. These issues are addressed in the remainder of the report.

7.02 Density of the proposed development

Not applicable to this application.

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

The application site is located within Harefield Village Conservation Area. The property is also a locally listed building. The Conservation Officer has commented on the scheme and has raised no objections to the proposal due to its discreet positioning along the flank wall and screening provided.

The fencing along the front elevation has a black coated finish which complements the adjoining locally listed building. Given the height of the fence, only the top section of the flue is visible to the front of the building. This however, is situated over 20m back from the main front wall of the building and is not causing visual interference with the main features of the locally listed building. The Conservation Officer is content that the development does not infringe on the architectural quality of the locally listed building or the character and appearance of the Harefield Village Conservation Area.

The scheme therefore complies with Policy BE4 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

7.04 Airport safeguarding

It is considered that the proposal does not have an impact on airport safeguarding.

7.05 Impact on the green belt

It is considered that the proposal does not have a detrimental impact on the setting of the Green Belt.

7.07 Impact on the character & appearance of the area

The application site is located within the Harefield Village Conservation Area. As noted in para. 7.03, the Conservation Officer has raised no objections due to the extraction plants discreet positioning. The majority of the associated equipment (apart from top of the flue) is not visible from street. The close boarded fence provides adequate screening of the extraction plant which reduces the visual impact of the development from the front of the property.

It is therefore considered that the proposal does not cause significant harm to the character and appearance of existing locally listed building and Harefield Conservation Area. The proposal thereby complies with Policies BE13 and BE15 of the Hillingdon Local Plan Part 2 - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

Policy BE20 and BE21 of the Hillingdon Local Plan Part 2 - Saved UDP Policies (November 2012) seek to resist proposals which would cause an unacceptable loss of light or would have an overbearing impact detrimental to the residential amenity of neighbouring properties. Although, the fence constructed on the neighbours boundary would not cause a loss of light of light, its overall appearance and position dominates the neighbours boundary.

The proposed development is situated along the northern boundary and abuts the rear boundary of Old Orchard Lodge. Concerns have been raised by the occupier of this property regarding the development, in particular the noise from the extraction system and visual impact from the close boarded fence. The noise concerns will be addressed further on in the report.

The garden of the neighbouring property is significantly lower than the application site.

The new boundary treatment comprising close boarded fencing above an existing retaining wall measures approximately 4.3m in height and extends almost half the width of the neighbouring property garden.

From the neighbouring property due to the significant difference in levels, the fence creates an incongruous dominant visual feature along the neighbours rear boundary. It projects above the existing hedge and the uncoated finish of the fence fails to reduce visual impact from this neighbours garden. In its current form, the fence is unacceptable and leads to overbearing impact occupiers of the neighbouring properties amenity space.

Therefore, the proposal is considered to have unacceptable impact on the residential amenity of the neighbouring occupiers and is contrary to Policies BE20 and BE21 of the Hillingdon Local Plan: Part 2 (November 2012).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Not applicable to this application.

7.11 Urban design, access and security

As detailed elsewhere in this report the design of the extraction plant is acceptable given its positioning. There are no concerns over access or security.

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

Policy BE38 of the Hillingdon Local Plan Part 2 - Saved UDP Policies (November 2012) requires developments to retain and utilise existing landscape features and to provide new planting and landscaping wherever appropriate. The proposal does not impact on any existing landscaping along the southern boundary. The Landscape Officer has been consulted on the scheme and considers the scheme acceptable due to its positioning. The fencing together with the local topography preserves and enhances the visual amenities of the locality. As such, it would comply with Policy BE38 of the Hillingdon Local Plan Part 2 - Saved UDP Policies (November 2012).

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

Not applicable to this application.

7.18 Noise or Air Quality Issues

Policy OE1 of the Hillingdon Local Plan Part 2 - Saved UDP Policies (November 2012) resists the grant of planning permission for uses and associated structures which are, or are likely to become, detrimental to the character or amenities of surrounding properties or the area generally. Policy BE19 seeks to protect general amenity in residential areas and Policies OE3 and OE5 provide further specific guidance on noise related issues.

The extraction plant is located along the boundary line with Old Orchard Lodge, approximately 16m from this neighbours rear wall. Given the proximity to the neighbours rear garden amenity space, it is imperative that the noise levels generated from the

system is at a minimum.

The Council's Environmental Protection Officer has commented that the current information accompanying this application is insufficient to determine the likely impact on noise levels. Although, there are two silencers, no information has been provided about sound attenuation which will be provided by the silencers and the acoustic jacket. Similarly there are no details on the fan noise levels.

Furthermore, concerns have been raised regarding the positioning of the duct on top of the flat roof. This is supported on props without anti-vibration mounting which would generate vibration and noise to detriment of the neighbouring property.

As such, the extraction plant in its current form is unacceptable as it fails to meet the environmental standards and best practice guidance. As a result, the proposal has a negative impact on the amenity of nearby residents through increased noise and disturbance. This is contrary to Policies OE1, OE3 and OE5 of the Hillingdon Local Plan: Part 2 (November 2012) which strongly resists development that which would have an adverse impact upon the amenity of residents through increased noise and odour.

7.19 Comments on Public Consultations

One representation was received. The concerns raised have been addressed within the main bulk of the report.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Planning Enforcement are aware of the unauthorised development subject of this application. Based on the planning decision, it may be expedient to consider enforcement action unless an application which addresses the refusal reasons is forthcoming.

7.22 Other Issues

No other issues to be considered.

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

10. CONCLUSION

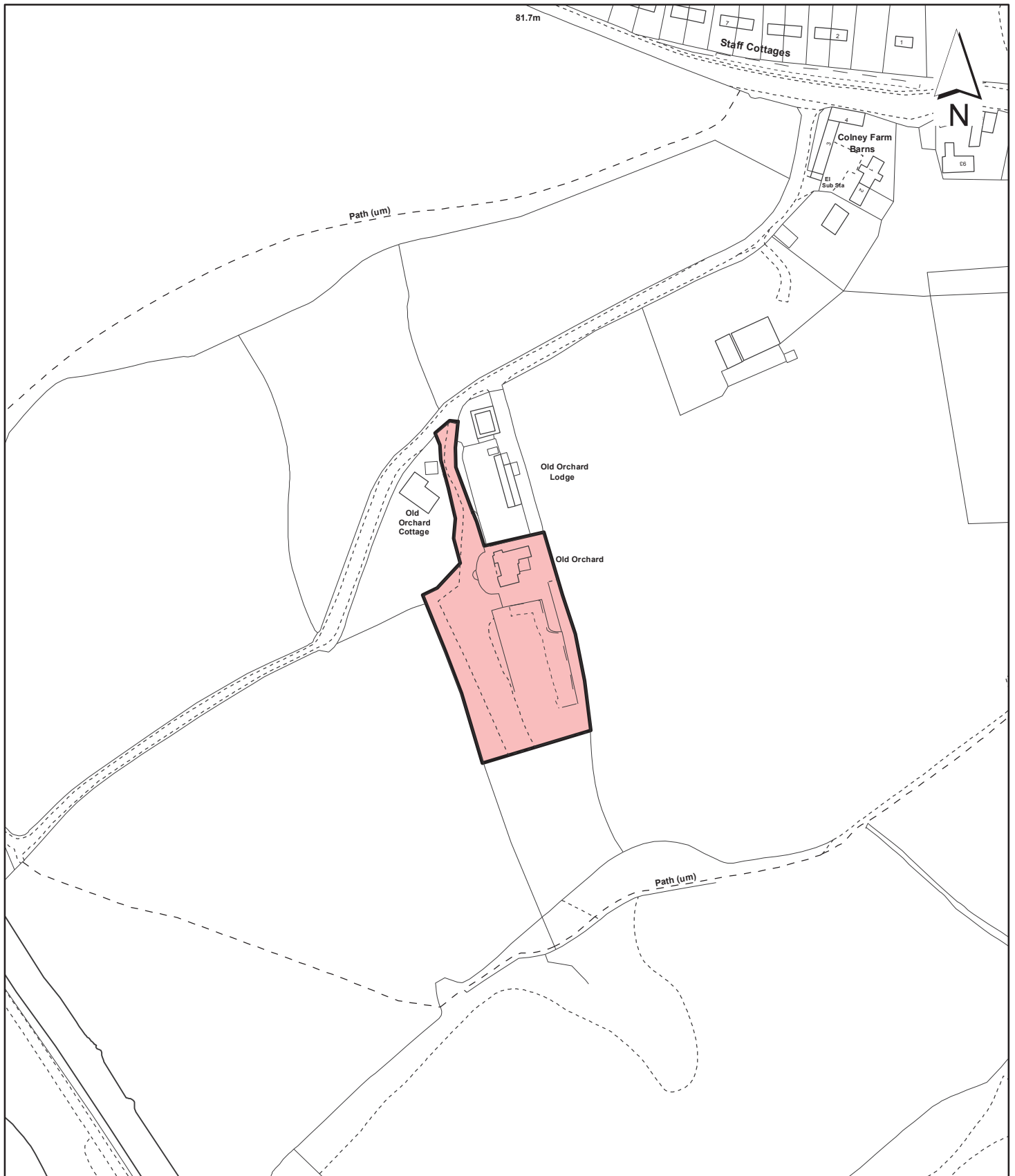
The installation of replacement extraction plant and close boarded fence has failed to provide sufficient mitigation measures to protect the amenities of the adjoining neighbouring property. It is considered that both the noise generated from the extraction plant and the size and design of the close boarded fence is having a detrimental impact on the occupiers of Old Orchard Lodge amenity. The development is therefore contrary to Policies BE19, BE20, BE21, OE1 and OE3 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012). In its current form, the application is therefore recommended for refusal.

11. Reference Documents

London Plan (July 2011)
National Planning Policy Framework
Hillingdon Local Plan: (November 2012)

Contact Officer: Eoin Concannon

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Notes

 Site boundary

For identification purposes only.

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Site Address

**The Old Orchard
Park Lane
Harefield**

**LONDON BOROUGH
OF HILLINGDON
Residents Services**

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111

Planning Application Ref:

3499/APP/2012/2773

Scale

1:2,500

Planning Committee

North

Date

**March
2013**



HILLINGDON
LONDON