

## Report of the Head of Planning, Sport and Green Spaces

**Address** 28 & 28A KINGSEND RUISLIP

**Development:** Retrospective planning application to vary Condition 27 (that development shall not be carried out otherwise than in strict accordance with the plans hereby approved) to planning Permission Ref: 5740/APP/2008/1214 (Erection of a three storey building to contain 7, two-bedroom and 1, one-bedroom flats, together with associated parking and amenity space) to seek retention of the existing roof profile which is a departure from the approved roof profile

**LBH Ref Nos:** 5740/APP/2013/411

**Drawing Nos:** 07/3127/51 Rev. A  
Location Plan to Scale 1:1250

**Date Plans Received:** 20/02/2013

**Date(s) of Amendment(s):**

**Date Application Valid:** 06/03/2013

### 1. SUMMARY

The application seeks to vary condition 27 of the approved scheme (5740/APP/2008/1214). Condition 27 requires the scheme is built in strict accordance with the approved plans. The variation of condition 27 is sought to seek to retain the as built roof profile that represents a material departure from the approved roof profile. The approved scheme is for 8 residential units contained within a single new building on the site.

The approved roof profile was designed with a subservient ridge line towards the eastern side of the new building to help mediate, in the streetscene, the change in roof profile of the development to that of the adjacent dwelling house to the east, No 26B Kingsend.

The failure of the built scheme to provide a sufficient length of subservient 'set down' roof results in the built roof having a poor visual appearance. As such the scheme fails to provide an attractive appearance to the development in relation the street scene and thereby the development fails to preserve or enhance those features which contribute to the special architectural and visual qualities of the Ruislip Village Conservation Area.

The scheme is contrary to Policies BE4, BE13 and BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and is recommended for refusal.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The as built scheme, by reason of its overall size, scale bulk and design is detrimental to the visual amenity of the street scene, fails to preserve or enhance the character and appearance of the Ruislip Village Conservation Area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE4, BE13, BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5, 7.4 and 7.8 of the London Plan (2011) and the the adopted

## 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) as incorporated into the Hillingdon Local Plan (2012) 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.
BE22	Residential extensions/buildings of two or more storeys.
NPPF7	
LPP 3.5	(2011) Quality and design of housing developments
LPP 7.4	(2011) Local character
LPP 7.8	(2011) Heritage assets and archaeology
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

## 3. **CONSIDERATIONS**

### 3.1 **Site and Locality**

The application site is located on the northern side of Kingsend. East of the site lies 26B Kingsend and 26 Kingsend. The site is bordered to the west by an access road to 28B Kingsend located at the rear of the site.

The development site is located in the Ruislip Village Conservation Area as set out in the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

### 3.2 **Proposed Scheme**

The scheme that is the subject of this application differs from the approved scheme in respect of its roof profile. The principal differences, based on the applicant's submitted drawings are described below:

- (i) The main ridge line that runs broadly parallel to the street is set approximately 450mm

below the approved main ridge line;

(ii) The subservient ridge line towards the eastern end of the development (adjacent to No 26B Kingsend) is built approximately 100mm lower than the subservient roof on the approved scheme.

(iii) The main ridge line is longer than the approved scheme by approximately 1590mm and the corresponding subservient (otherwise known as 'set down' roof) at the eastern end is approximately 1535mm shorter in length.

(iv) The principal roof ridge line is approximately 1200mm taller than the main ridge line of the previous demolished dwelling house on the site.

(v) The as built subservient roof at the eastern is approximately 150mm below the main ridge line of the previous demolished dwelling house on the site.

### 3.3 Relevant Planning History

5740/APP/2007/1043      28 & 28a Kingsend Ruislip

ERECTION OF A THREE STOREY BUILDING, WITH ACCOMMODATION IN THE ROOFSPACE, COMPRISING OF 7 TWO-BEDROOM FLATS, WITH ASSOCIATED ACCESS AND PARKING (INVOLVING DEMOLITION OF 2 EXISTING HOUSES) (OUTLINE APPLICATION).

**Decision:** 15-01-2008    Not Determined      **Appeal:** 15-01-2008    Allowed

5740/APP/2008/1214      28 & 28a Kingsend Ruislip

ERECTION OF A THREE STOREY BUILDING TO CONTAIN 7, TWO-BEDROOM AND 1, ONE- BEDROOM FLATS, TOGETHER WITH ASSOCIATED PARKING AND AMENITY SPACE (AMENDMENT TO PREVIOUS APPROVAL REF. 5740/APP/2007/1043 TO ALLOW FOR AN ADDITIONAL FLAT AT SECOND FLOOR LEVEL)

**Decision:** 25-06-2008    Approved

#### Comment on Relevant Planning History

5740/APP/2007/1043 - Outline planning permission was granted on approval dated 25 June 2008 for the erection of a three storey building containing 7 x two-bedroom and 1 x one-bedroom flats, together with associated parking and amenity Space (amendment to previous approval Ref. 5740/APP/2007/1043 to allow for an additional flat at second floor level).

5740/APP/2008/1214 - Full planning permission granted on 20 August 2008 for for the erection of a three storey building containing 7 x two-bedroom and 1 x one-bedroom flats, together with associated parking and amenity Space (amendment To Previous Approval Ref. 5740/APP/2007/1043 To to allow for an additional flat at second floor level).

As a result of the built scheme departing from the approved drawings the site has been subject to enforcement action and associated on-going court proceedings.

The North Planning Committee agreed to serve an Enforcement Notice and a Breach of Condition Notice.

The Breach of Condition Notice (Ref: 3E/04/NC) was served on 25 May 2012 with compliance by 29 June 2012.

The Breach of Condition Notice required the following steps to be taken:

(i) Reduce the height of the roof along the eastern side of the building so that the height accords with the approved planning permission reference 5740/APP/2008/1214 drawing number 07/3094/10 Rev C.

(ii) Remove from the land of all debris, building material, plant and machinery resulting from compliance with requirement (i)

The reasons for the issue of the notice are the built scheme should be carried out in strict accordance with the approved plans, unless consent to any variation is first obtained from the local planning authority, to ensure that the external appearance of the development hereby complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

An Enforcement Notice (Ref: 03/04/NC) has also been served on other aspects of the development and required the following steps to be taken:

1) Remove the unauthorised tarmacdam covering the access/manoeuvring and parking area (between the building and the street) and install hard surfacing materials in accordance with the approved planning permission reference 5740/APP/2011/908 drawing number 07/3127/50 Rev E, specifically installing permeable block pavers (colour Brindle).

2) Remove the unauthorised paving and concrete slab covering the south eastern corner of the property (between parking spaces 4 and 5, as shown on drawing number 07/3127/50 Rev E approved in permission reference 5740/APP/2011/908), and install landscaping in accordance with the approved planning permission reference 5740/APP/2011/908 drawing number 07/3127/50 Rev E.

The black tarmac is considered very intrusive within the street scene and would detract from the character and appearance of the conservation area. The tarmacadam is also considered to detract from the landscape setting of the new building. Reduce the height of the roof along the eastern side of the building so that the height accords with the approved planning permission reference 5740/APP/2008/1214 drawing number 07/3094/10 Rev C.

The approved landscaping details show that the south eastern corner of the site would be landscaped with a tree, grass and planting. Instead hard paving and a concrete slab have been laid down in the area. There is no tree and the extent of paving and the concrete slab mean that the approved landscaping could not be accommodated in this area.

The approved landscaping was necessary to soften the appearance of the parking areas and views of the new building.. The loss of the trees and landscaping with a replacement of a concrete slab in such a prominent location is considered to be a very intrusive within the streetscene and would detract from the character and appearance of the conservation area. The as built development is not considered to preserve or enhance the appearance of the site or street scene (i.e. features which contribute to their special architectural and visual qualities of the Conservation Area).

The Enforcement Notice was served on 25 May 2012 with compliance by 29 June 2012

#### **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.HE1 (2012) Heritage
- 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.
  - BE22 Residential extensions/buildings of two or more storeys.
- NPPF7
- LPP 3.5 (2011) Quality and design of housing developments
  - LPP 7.4 (2011) Local character
  - LPP 7.8 (2011) Heritage assets and archaeology
  - HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

#### **5. Advertisement and Site Notice**

- 5.1** Advertisement Expiry Date:- **1st May 2013**
- 5.2** Site Notice Expiry Date:- Not applicable

#### **6. Consultations**

##### **External Consultees**

25 neighbours were consulted along with the Ruislip Village Conservation Panel and the Ruislip Residents Association. Three replies received objecting to the scheme. These objections can be summarised as follows:

- (i) Object to this application as we consider the property should be completed in line with the original approved planning application.
- (ii) The applicant is delivering a fait accompli. It cannot be right that a plan is approved in 2008 to reduce the effect on the street scene and then an application is made in 2012 to allow it to be changed because in practice it does not work.

(iii) The developer has built a block of flats that are too large for the conservation area. This was done to accommodate extra flats in the building and make more profit. The building should be modified to fit the original agreed design.

### **Internal Consultees**

#### **CONSERVATION OFFICER:**

Background: The site falls within the Ruislip Village Conservation Area. This part of the conservation area is characterised by mainly good sized detached houses, set in mature gardens, which date from the turn of the 20th century. The road is important in terms of the history of the area, as it was one of the first to be developed by the then owners, Kings College, in the Garden Suburb tradition.

There have been numerous e-mail correspondences and discussions regarding the roof form. The proposed roof profile is not as suggested to the agent.

Comments: It is considered that the proposed roof form, if taken on its own merit, presents a poor design form with a wider portion of the main roof at a continuous height as compared to the originally approved scheme. This would be bulkier and would have an impact on the character of the area. Whilst this roof would be marginally lower than that approved, its impact is accentuated from the fact that the earlier drawings failed to accurately show the height of the neighbouring buildings and thereby the difference in the roof profiles of the new development and the adjacent properties.

It is noted that the visual impact of the bulk would be difficult to assess at human height from the street. However, given the sensitive location of the site within the conservation area, the roof form as built would be unacceptable in design terms.

Conclusion: Unacceptable.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The principle of the residential scheme including the number of residential units within the scheme built on site has already been established with the approved scheme for the site.

The planning issues for consideration with this application in respect of the departure from the approved scheme are limited to the consideration of how this departure from the approved roof profile impacts on the architectural composition of the development, its appearance in the streetscene and its wider impact upon preserving and enhancing the visual amenity of the Ruislip Village Conservation Area.

The other departures from the approved scheme in respect of the choice of surface treatment on the forecourt car parking bays and the location of the bin stores and the extent of landscaping in the south eastern corner of the site (just to the back of the pavement) are not subject to consideration within this application.

### **7.02 Density of the proposed development**

The number of residential units on the site has already been established. This application does not impact on the total number of agreed units or the number of bedspaces previously agreed for the site

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

Policy BE4 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) relates to development in Conservation Areas and requires that new development within conservation areas to preserve or enhance those features which contribute to their special



architectural and visual qualities.

The horizontal control line in the street set by roof lines is an important feature of the street. The profile of the approved roof scheme, with the step down on the main ridge at the eastern side of the building, was designed as such so as to mediate the change of principal ridge lines between that of the new build and that of the dwelling at No 26b Kingsend.

The roof height of the new building, at the eastern side of the building of the as built scheme, does not 'step down' to the same extent as that shown on the approved plans, and as a result the as built scheme has a poor visual relationship with the roof height and form of the dwelling at 26B Kingsend.

The lack of an adequate set down means that the as built scheme results in a building by reason of its size, scale and bulk has a detrimental impact on the visual amenity of the street scene, does not either preserve or enhance the character and appearance of the Ruislip Village Conservation Area, contrary to Policies BE4, BE13 and BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), Policies 3.5, 7.4 and 7.8 of the London Plan and the adopted Supplementary Planning Document HDAS: Residential Layouts.

**7.04 Airport safeguarding**

Not applicable to this application.

**7.05 Impact on the green belt**

Not applicable to this application.

**7.06 Environmental Impact**

Not applicable to this application.

**7.07 Impact on the character & appearance of the area**

See section 7.03.

**7.08 Impact on neighbours**

Aside from potential visual amenity issues relating to the change in the roof profile that are dealt with above it is not considered the departure in roof profile from the approved scheme would have any material impact upon neighbours in terms of the degree of overshadowing or loss of daylight/sunlight to neighbours.

**7.09 Living conditions for future occupiers**

Not applicable to this application.

**7.10 Traffic impact, car/cycle parking, pedestrian safety**

The issues relating to the departure from approved drawings in respect to the completion of the front forecourt are not the subject of this application and therefore is not material in the determination of this application.

**7.11 Urban design, access and security**

URBAN DESIGN: Considered in section 7.03 of the report.

ACCESS: The application raises no fresh access or security issues not previously considered with the approved scheme.

**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.

The location of the bin stores on the site is the subject of a separate Enforcement Notice.

**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**

Not applicable to this application.

**7.19 Comments on Public Consultations**

The comments received have been covered in the main report.

**7.20 Planning Obligations**

Not applicable to this application.

**7.21 Expediency of enforcement action**

**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**



Not applicable to this application.

## **10. CONCLUSION**

The established horizontal 'control line' that is found upon Kingsend is considered an important feature of the street in urban design terms, set in the context of Ruislip Village Conservation Area.

It is considered on balance the failure to provide an adequate length of 'set down roof' towards the eastern end of the built roof results in unacceptable appearance. The 'as built' roof profile fails to meditate the change of roof heights compared to that found at No 26B Kingsend. It is considered that the scheme thereby fails to preserve and enhance the Ruislip Village Conservation Area and would represent an incongruous and visually intrusive form of development which would be detrimental to the character and appearance of the street scene.

The scheme is recommended for refusal.

## **11. Reference Documents**

Hillingdon Local Plan: Part One (November 2012)

Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

London Borough of Hillingdon's HDAS 'Residential Extensions" Supplementary Planning Document (December 2008)

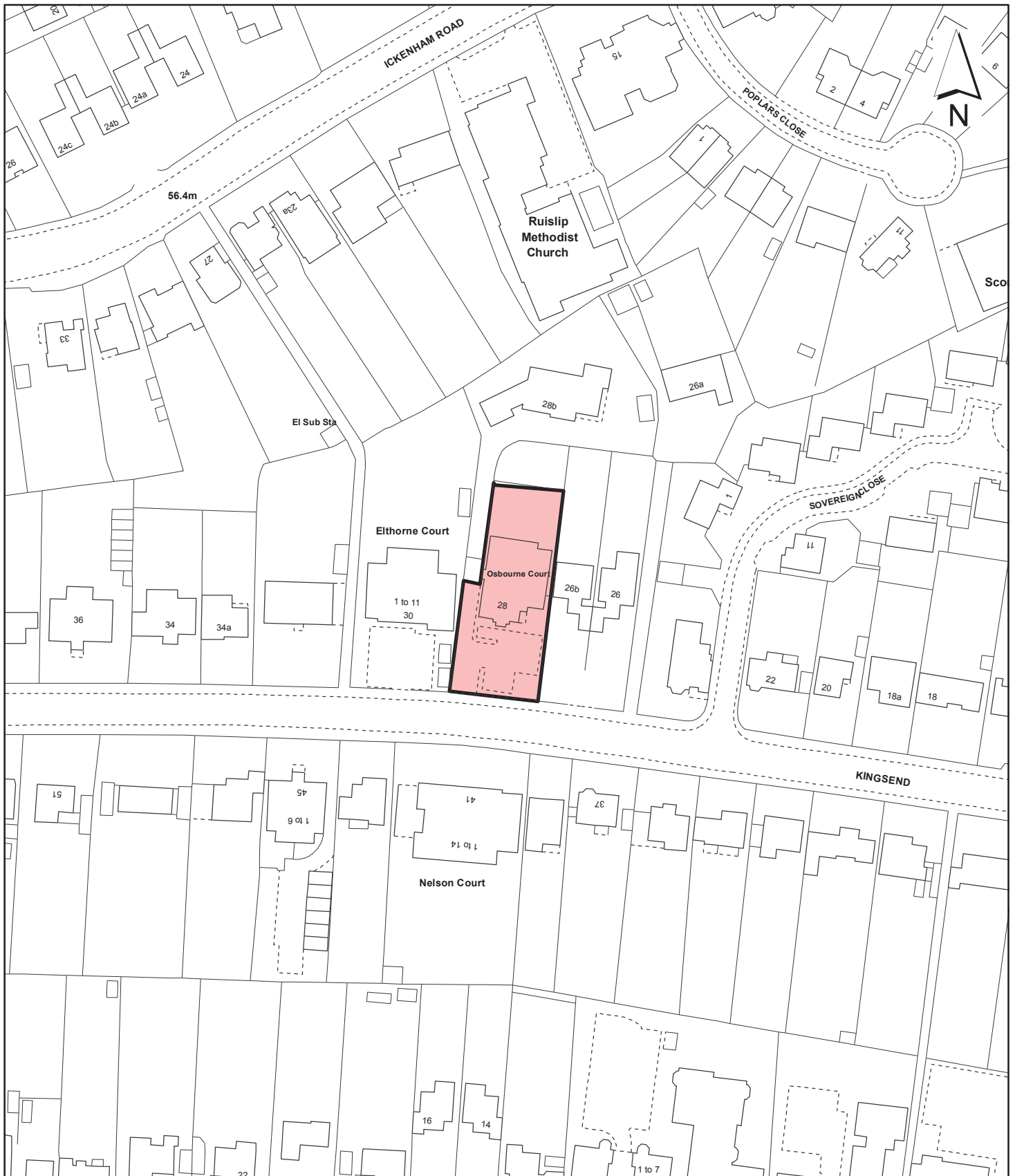
London Borough of Hillingdon's HDAS 'New Residential Layouts" Supplementary Planning Document (July 2006)

National Planning Policy Framework (March 2012)

London Plan (July 2011)

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**Notes**

 Site boundary

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Site Address

**28 and 28A Kingsend  
 Ruislip**

**LONDON BOROUGH  
 OF HILLINGDON  
 Residents Services**

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

Planning Application Ref:  
**5740/APP/2013/411**

Scale  
**1:1,250**

Planning Committee  
**North**

Date  
**May  
 2013**



**HILLINGDON**  
 LONDON