

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

**Address** 18 PARK WAY RUISLIP

**Development:** Demolition of existing detached garage and erection of single storey detached outbuilding to rear to be used as a children's activity business (Use Class D1 - Non-residential institutions)

**LBH Ref Nos:** 9052/APP/2013/551

**Drawing Nos:** 5665-13-104  
5665-13-103  
5665-13-100  
5665-13-105  
Photographs  
5665-13-101

**Date Plans Received:** 06/03/2013

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

**Date Application Valid:** 05/04/2013

### 1. SUMMARY

Planning permission is sought for a single storey outbuilding, following demolition of the existing outbuilding/garage.

The building is proposed to be used for providing childrens activities. The age group would be babies and toddlers and would enable the provision of sensory activities. The applicant has stated that the use would not be as a day nursery.

The proposed outbuilding in itself would not be harmful to the character and appearance of the area and is located to the rear of the house which is well screened. However, it is considered that the proposed use as detailed by the applicant does not provide sufficient evidence that the use would not harm the amenity of nearby residents and occupants.

The proposal does also not adequately address how the potential parking issues could be adressed and this could lead to on street parking. Therefore, it is considered that the proposed scheme is unacceptable in this respect and would impact upon the free flow of traffic in the area to the detriment of highway safety.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The proposed use by reason of its scale and increased activity within an established residential area would be detrimental to the the amenities of adjoining occupiers by virtue of general noise and disturbance, increased activity and loss of privacy. The proposal would therefore be contrary to Policies BE19, OE1 and BE24 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012).

#### 2 NON2 Non Standard reason for refusal

The applicant has failed to demonstrate that the proposed development would provide adequate parking facilities for the proposed use and as such the development would be

contrary to Policies AM7, AM14, R12 and R13 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012).

## INFORMATIVES

### 1 159 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.

### 2 152 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).

### 3 153 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.

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE18	Design considerations - pedestrian security and safety
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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
R12	Use of premises to provide child care facilities
R13	Use of residential accommodation for educational and child care premises
LPP 3.16	(2011) Protection and enhancement of social infrastructure

## 3. CONSIDERATIONS

### **3.1 Site and Locality**

The application site comprises a large detached property on the north side of Park Way and is located approximately 500m east of the crossroads junction with Windmill Hill.

The property is set on a large spacious plot. To the front, there is a gravel area for the parking of cars. There is a side gate to the property which leads to the rear garden area. The rear garden is 15m (maximum) wide and 75m long. Midway down the garden there is a large outbuilding and a decked area. Beyond this building there is a further large area of garden.

The application site benefits from mature trees and landscaping within and along the boundary of the property.

The wider area comprises similar large two storey properties on Park Way, with more compact and smaller properties on adjoining roads such as Acacia Avenue. Park Way is a busy main road leading to the main shopping area near Ruislip Manor station. There are no parking restrictions on this road.

The site is located within the Developed Area as defined in the Hillingdon Local Plan Part 2 - Saved Policies (November 2012).

### **3.2 Proposed Scheme**

The proposed scheme is for the erection of a single storey detached outbuilding to rear of the property for use within Use Class D1 (Non-residential institutions) for use as a children's activity business. The existing detached garage would be demolished.

The proposed outbuilding would be 5m wide, 5.9m deep and 2.2m high to eaves and 2.9m high to ridge. There would be a roof overhang of 1m over the entrance covering a veranda area. The proposed building would be sited a minimum distance of 6.3m from the boundary with the rear of properties on The Uplands, 1.5m from nearest part of boundary with 16 Park Way, 12m from the boundary with 16a Park Way and 12m from the rear boundary of No. 18.

The building would be constructed of timber and would provide a children's play area and a toilet.

Parking is proposed in front of the house, on the existing gravel area which is used for current domestic parking.

Following submission the following information regarding the use has been obtained from the applicant:

"The nature of the activity business is for a baby/toddler class that will be a duration of 45 minutes incorporating baby singing, sensory play with things such as puppets and reading time. The class will be taken by myself only as it will be necessary for the parent/carer to accompany the child for the whole duration. The class will have a maximum capacity of 15 babies and adults only.

Just to confirm this will be a maximum of 3 classes per day between the hours of 1000 and 1400, Monday to Friday and will not be a nursery facility.

1. Our driveway will accommodate 5 cars.
2. We propose to mention on our website that parking on Park Way will not be permitted.

3. As we'll be operating a sustainable business, we will actively encourage our customers/clients to walk or take public transport to and from the property, as we will be advertising the business in this area only. This is something that many parents/carers do much of the time anyway.
4. The business is only to operate between 10am and 2pm Monday to Friday and NOT at weekends or any evenings.
5. There are other cars that park on the length of Park Way and they don't seem to reduce traffic flow or cause unnecessary congestion.
6. We would again like to stress that this is a children's activity business and not a nursery, therefore children will not be dropped off and picked up at busy times."

It is understood that parents will remain with the children during the sessions.

The applicant has submitted a further email dated 2 June 2013 with the following clarification:

"Further to our conversation on Friday afternoon, I'm writing with the following information:

With regards to noise: as previously mentioned, we only intend on operating the business between 10am and 2pm Monday to Friday and not at weekends. Most of the residents in the adjoining properties are at work between these times.

The summerhouse will be fully insulated.

Also importantly, the business is to be conducted strictly inside the outbuilding, as the max age for the babies will be 18 months."

### 3.3 Relevant Planning History

9052/APP/2001/1508      18 Park Way Ruislip

CHANGE OF USE OF LAND FROM RESIDENTIAL TO A MIXED USE NAMELY RESIDENTIAL AND FOR THE SALE OF MOTOR VEHICLES, STORAGE OF MOTOR VEHICLES, VALETING AND PRE SALE CHECKS (APPEAL AGAINST ENFORCEMENT NOTICE; APPLICATION FOR PLANNING PERMISSION DEEMED TO HAVE BEEN MADE PURSUANT TO SECTION 174 OF THE TOWN AND COUNTRY PLANNING ACT 1990)

**Decision:** 21-11-2001    Refused                      **Appeal:** 09-01-2002    Dismissed

9052/APP/2003/1478      18 Park Way Ruislip

ERECTION OF A SINGLE STOREY REAR EXTENSION

**Decision:** 24-07-2003    Approved

#### Comment on Relevant Planning History

The previous planning history is not relevant to this proposal.

## 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  
PT1.C11 (2012) Community Infrastructure Provision

Part 2 Policies:

- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity  
AM7 Consideration of traffic generated by proposed developments.  
AM14 New development and car parking standards.  
BE13 New development must harmonise with the existing street scene.  
BE15 Alterations and extensions to existing buildings  
BE18 Design considerations - pedestrian security and safety  
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.  
BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.  
R12 Use of premises to provide child care facilities  
R13 Use of residential accommodation for educational and child care premises  
LPP 3.16 (2011) Protection and enhancement of social infrastructure

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

- 5.1** Advertisement Expiry Date:- Not applicable  
**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

21 letters were sent to local residents and the Residents Association on 9 April 2013, and a site notice was displayed on 11 April 2013. In response 10 letters of objection have been received and 2 letters making comments. The main issues raised in the objections are as follows:

- Inappropriate use in a residential area.
- Number of children and parents attending.
- Access for emergency vehicles.
- Insufficient parking.
- Traffic issues
- Replacement building 1 metre higher than existing.
- No indication of what parents will do.
- Noise an disturbance.

- Loss of view

In addition, a petition was submitted with 36 signatures. The reasons for the petition are;

- An inappropriate use in a residential area.
- Proposed scheme would be noisy and disturb peace and quiet and amenity enjoyed by residents.
- Proposal would lead to traffic problems on Park Way
- Lack of parking.

OFFICER COMMENT: The issues raised are considered in the main report. The concerns in relation to noise, disturbance and parking impacts are reflected in the refusal reasons. The proposed building would not be a metre higher although it is higher by 0.3m. The loss of view is considered not to be a material planning consideration.

### **Internal Consultees**

#### COMMENTS FROM WARD COUNCILLORS:

This application would introduce a change which is totally alien to the residential area of this part of Ruislip Manor.

As Ward cllrs we would wish the officer report to Committee, to highlight that the proposed development is out of keeping with the existing character of the neighbourhood and therefore is in breach of the Council's adopted Core strategy and approved planning policies.

Furthermore, the application form implies that the site would be in use on several occasions during the day and thus the amount of traffic generated would not be restricted to either the start or close of each day.

In addition, the location is surrounded by residential properties which does not lend itself to deal with the additional traffic movements and associated parking that would be generated on a major link road between Ruislip Manor and Eastcote.

We do not believe this application is beneficial to the location and its approval would deprive the surrounding residents of the living conditions our policies are intended to uphold for residential areas. We therefore support the residents petition requesting that this application is refused.

#### HIGHWAYS OFFICER:

The development proposals are for the demolition of a garage building located at the rear of the existing dwelling and the construction of a single storey detached outbuilding that will be used for childrens' activities, under the D1 Use Class. The applicant has stated that 5 parking spaces will be provided for the existing and proposed use at the site. However, from site inspections, it is considered that only 4 parking spaces can be provided, 2 of which are required to serve the existing dwelling.

When undertaking assessment of the development, it is noted that the PTAL index within the area is 2/3, which is classified as poor to moderate. Furthermore, it is noted that Park Way is a classified highway and subject to high volumes of traffic.

In addition, the development would have the potential to generate a demand for an additional 15 on street parking spaces adjacent to the site, to the detriment of the free flow of traffic and highway safety.

Therefore, it is considered that the applicant has failed to demonstrate that the development would

provide adequate parking facilities within the site and an objection is raised as the proposals would be contrary to Policies AM7, AM14, R12 and R13 of the adopted Hillingdon Local Plan, 2012, (Part 2).

Officer Comment: The Highways Officer has confirmed that these objections remain after considering the further details from the applicant.

#### TREE AND LANDSCAPE OFFICER:

This site is covered by TPO's 185 and 356. The only trees that could be affected by this scheme is a line of five protected Beech to the side of the garden. However, according to the applicant the proposed building is to be laid on the existing concrete surface and therefore the trees do not constrain development.

A clear note should be added to the plans to clarify that no new footings will be excavated, and that the proposed building will be laid on the existing concrete base.

Conclusion: (in terms of Saved Policy BE38): Acceptable, subject to the amendment of the plans, as described above.

## **7. MAIN PLANNING ISSUES**

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

The principle of an outbuilding within a residential curtilage is acceptable only as long as the building in terms of its size, scale, bulk etc. is ancillary to the main use of the dwelling. It is clear in the Council's Supplementary Planning Document HDAS: Residential Extensions at paragraph 9.4 that any outbuilding must be ancillary to the use of the main house and that any use as a separate business unit or as a self contained residential unit would not be acceptable, as these could lead to a number of privacy, overlooking, noise and disturbance problems. The issues of privacy, overlooking, noise and disturbance are considered elsewhere in the report but it is clear that the principle of the use of an outbuilding in this location for a business use would not be acceptable and contrary to Policies BE19, OE1 and BE24 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012).

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

Not Applicable to this application.

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

See Section 7.07.

### **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**

The proposed outbuilding would be sited a significant distance from the house and on the site of the current outbuilding. The proposed building would be approximately the same floorspace as the existing building but would be slightly higher by 0.3m at ridge level. The building would be located in a relatively secluded position within the garden. The proposed material would be timber which is considered suitable to the proposed location. Due to the design and materials it is considered that the proposed outbuilding would not be harmful to the character and appearance of the surrounding area. As such the proposed outbuilding complies with Policy BE13 of the Hillingdon Local Plan Part 2 - Saved Policies (November 2012).

### **7.08 Impact on neighbours**

Whilst the applicants have stated that most of the activity associated with the proposed use would occur within the proposed building and would thus not be noisy. However, this does not account for the comings and goings of the parents and children to and from the building, the increased activity around the existing and adjoining properties that this entails, the increased activity associated with children and parents arriving by car and searching for parking and the noise and disturbance that would be created by all this activity before the users of the building actually reach the building. Thus, as outlined in HDAS: Residential Extensions outbuildings should not be used for business purposes due to the potential for unsatisfactory levels of noise, disturbance and loss of privacy to adjoining occupiers. It is considered that the proposed use could not be appropriately controlled by condition to safeguard these amenity issues.

In addition, the potential traffic movements could give rise to an unsatisfactory level of disturbance to adjoining occupiers. Therefore it is considered that the proposal is contrary to Policy BE24, R12 and R13 of the Hillingdon Local Plan Part 2 - Saved Policies (November 2012).

#### **7.09 Living conditions for future occupiers**

Not Applicable to this application.

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

The development proposals for the construction of a single storey detached outbuilding and its use for childrens' The site is located in area with a public transport accessibility level (PTAL) of 2/3, which is classified as poor to moderate. Furthermore, Park Way is a classified highway and subject to high volumes of traffic. The applicants have stated that 5 parking spaces will be provided for the existing and proposed use at the site. However, it is considered that only 4 parking spaces can be provided and 2 of these are required to serve the existing dwelling.

Given the low level of off street parking available the development has the potential to generate a demand for an additional 15 on-street parking spaces adjacent to the site which would result in conditions prejudicial to the free flow of traffic and highway safety.

Therefore, it is considered that the applicant has failed to demonstrate that the development would provide adequate parking facilities within the site and the proposals would be contrary to Policies AM7, AM14, R12 and R13 of the Hillingdon Local Plan Part 2 - Saved Policies (November 2012).

#### **7.11 Urban design, access and security**

The proposed building is considered to be of an appropriate design for an outbuilding. The proposal replaces an existing building and would not lead to a loss of any additional garden area. Therefore, the proposed development complies with Policy BE23 of the Hillingdon Local Plan Part 2 - Saved Policies (November 2012).

#### **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**

The Council's Tree Officer has confirmed there is no harm to trees on site and no objection is raised. He has suggested confirmation that the building would be built on the existing concrete base. However, this has not been sought as the proposal is unacceptable on other grounds.

#### **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**

See Section 7.08.

**7.19 Comments on Public Consultations**

Many of the issues raised are considered in the main report. The concerns in relation to noise, disturbance and parking impacts are reflected in the refusal reasons. The proposed building would not be a metre higher although it is higher by 0.3m. The loss of view is considered not to be a material planning consideration.

**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**

Not Applicable to this application.

## **10. CONCLUSION**

The proposed building would not be harmful to the character and appearance of the area. However, the proposed use would lead to an unacceptable impact on the amenity of adjoining occupiers and unacceptable levels of on-street parking.

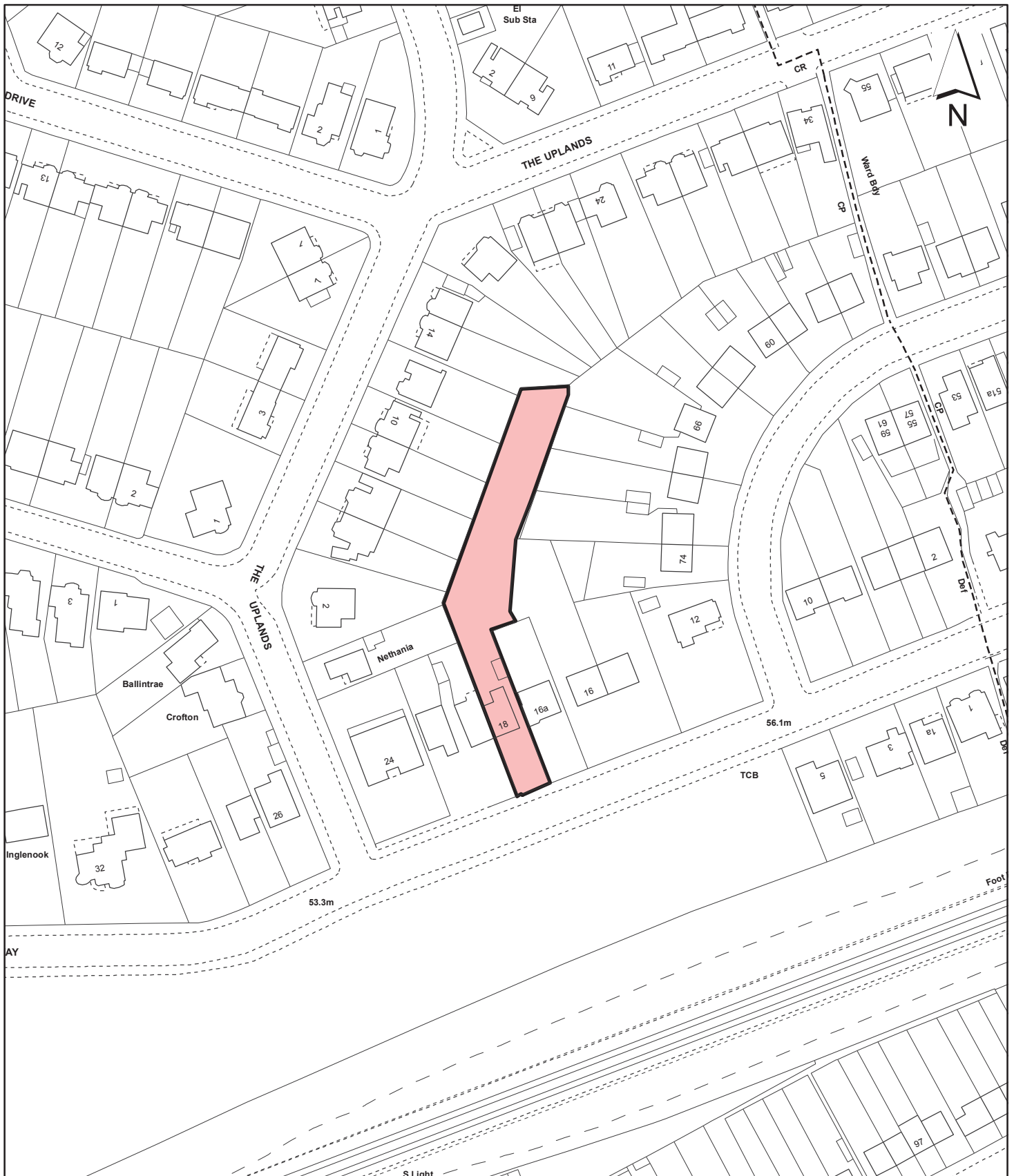
Therefore, it is considered that the proposal does not comply with Policies AM7, AM14, R12, R13, BE24 and OE1 of the Hillingdon Local Plan Part 2 - UDP Saved Policies (November 2012) nor the National Planning Policy Framework.

## **11. Reference Documents**

Hillingdon Local Plan Part 1 (November 2012).  
Hillingdon Local Plan Part 2 - UDP Saved Policies (November 2012).  
The London Plan 2011.  
HDAS: Residential Extensions.  
National Planning Policy Framework.

**Contact Officer:** Mark Jones

**Telephone No:** 01895 250230



**Notes**

 Site boundary

For identification purposes only.

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Site Address

**18 Park Way  
Ruislip**

Planning Application Ref:

**9052/APP/2013/551**

Planning Committee

**North**

Scale

**1:1,250**

Date

**June  
2013**

**LONDON BOROUGH  
OF HILLINGDON  
Residents Services**

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



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