

## Report of the Corporate Director of Planning & Community Services

**Address** THE DAIRY FARM BREAKSPEAR ROAD NORTH HAREFIELD

**Development:** Erection of sections of 1.8m high close boarded fencing (to match existing) to Nos. 6, 9 and 10 Burbery Close, and Nos. 4, 5 and 6 Dairy Farm Lane, and replacement of existing 5 Bar gate between Nos. 5 and 6 Dairy Farm with 1.8m solid wooden gates

**LBH Ref Nos:** 27314/APP/2009/2021

**Drawing Nos:** HPC/DFE/001A  
HPC/DEF/003A

**Date Plans Received:** 16/09/2009      **Date(s) of Amendment(s):** 15/09/2009

**Date Application Valid:** 16/09/2009      06/10/2009

### 1. SUMMARY

The proposed fencing would be in-keeping with the surroundings to which it relates, and would not result in any adverse impacts to the street scene or the wider area. It is not considered that the development would result in a disproportionate change or a material increase in the built up appearance of the site and as such it is considered to comply with the all the relevant policies contained in the UDP (Saved Policies September 2007) and the advice contained in PPG2: Green Belts.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

**1 T8 Time Limit - full planning application 3 years**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

**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 Policies BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**3 RPD6 Fences, Gates, Walls**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls, other than those expressly authorised by

this permission, shall be erected on the site.

#### REASON

To protect the open-plan character of the estate in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007)

#### INFORMATIVES

##### **1 I52 Compulsory Informative (1)**

The decision to GRANT 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 GRANT 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 (February 2008) and national guidance

BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
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.
AM14	New development and car parking standards.
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL2	Green Belt -landscaping improvements
OL4	Green Belt - replacement or extension of buildings
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
PPG2	Green Belts

##### **3 I1 Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

##### **4 I2 Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

##### **5 I3 Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

## **6 15 Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall;
  - build on the boundary with a neighbouring property;
  - in some circumstances, carry out groundworks within 6 metres of an adjoining building.
- Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

## **7 16 Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site comprises a newly constructed development of 19 houses and a barn conversion. The site is located on the south side of Breakspear Road North. On the east side there is a sports pitch, and to the south, a cricket pitch and open countryside. The site is within the Green Belt and Harefield Village Conservation Area as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

#### **3.2 Proposed Scheme**

Planning permission is sought to replace the existing '5 bar' wooden gate (between properties Nos.5 and 6 Dairy Farm Lane with 1.8m high solid wooden gates and to erect 1.8m high close board fencing to:

- the rear boundaries of Nos.9 and 10 Burberry Close
- the rear boundary of No.4 Dairy Farm Lane
- A 21m section to the rear/side (south) boundary of No.5 Dairy Farm Lane
- A 7m section to the side (south) boundary of No.6 Dairy Farm Lane.

### 3.3 Relevant Planning History

27314/APP/2003/1813 The Dairy Farm Breakspear Road North Harefield  
ERECTION OF 26 DWELLINGS, RETENTION OF EXISTING FARMHOUSE, PROVISION OF A  
NEW FOOTBALL PITCH, CRICKET GROUND AND ENHANCED CONSERVATION AREA

**Decision:** 25-09-2003 Refused

27314/APP/2003/1814 The Dairy Farm Breakspear Road North Harefield  
RELOCATION OF EXISTING BARN AND DEMOLITION OF OUTBUILDINGS (APPLICATION FOR  
CONSERVATION AREA CONSENT)

**Decision:** 25-09-2003 Refused

27314/APP/2004/2857 The Dairy Farm Breakspear Road North Harefield  
RESIDENTIAL DEVELOPMENT OF SIXTEEN DWELLINGHOUSES INCLUDING CONVERSION  
OF THE BARN, ALTERATIONS TO THE FARMHOUSE, A STABLE BLOCK AND MANAGER'S  
OFFICE (INVOLVING DEMOLITION OF OUTBUILDINGS)

**Decision:** 01-02-2005 Withdrawn

27314/APP/2004/2858 The Dairy Farm Breakspear Road North Harefield  
DEMOLITION OF OUTBUILDINGS (APPLICATION FOR CONSERVATION AREA CONSENT)

**Decision:** 01-02-2005 Withdrawn

27314/APP/2005/3086 The Dairy Farm Breakspear Road North Harefield  
ERECTION OF A SINGLE STOREY EXTENSION ACROSS FULL WIDTH OF REAR ELEVATION

**Decision:** 24-02-2006 Refused

27314/APP/2005/844 The Dairy Farm Breakspear Road North Harefield  
ERECTION OF 16 DWELLINGHOUSES TOGETHER WITH CONVERSION OF BARN TO A  
DWELLING, ALTERATIONS TO THE FARMHOUSE AND ERECTION OF A STABLE BLOCK  
AND MANAGER'S OFFICE (INVOLVING DEMOLITION OF OUTBUILDINGS)

**Decision:** 10-03-2006 Approved

27314/APP/2005/845 The Dairy Farm Breakspear Road North Harefield  
DEMOLITION OF OUTBUILDINGS (APPLICATION FOR CONSERVATION AREA CONSENT)

**Decision:** 10-03-2006 Approved

27314/APP/2006/2446 The Dairy Farm Breakspear Road North Harefield  
CHANGE OF USE OF FIELDS 1 AND 2 FROM PADDOCKS TO PLAYING FIELDS ,  
REPLACEMENT OF THE STABLE YARD AND MANEGE WITH THE ERECTION OF 2 FOUR-  
BEDROOM DWELLINGHOUSES AND RE-ALLOCATION OF PARKING FOR UNITS 15, 16, 17

AND 18 ( VARIATION OF PLANNING PERMISSION REF: 27314/APP/2005/ 844 DATED 10/03/2006).

**Decision:**

**Comment on Relevant Planning History**

None

**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:

BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
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.
AM14	New development and car parking standards.
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL2	Green Belt -landscaping improvements
OL4	Green Belt - replacement or extension of buildings
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
PPG2	Green Belts

**5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- **21st October 2009**

**5.2** Site Notice Expiry Date:- **21st October 2009**

**6. Consultations**

**External Consultees**

4 neighbours, the Residents Association, Ickenham Residents Association and Harefield Conservation Panel consulted, no responses received.

**Internal Consultees**

URBAN DESIGN AND CONSERVATION OFFICER

This development was designed around informal courtyards and with low key boundaries, so as to

retain something of the open character of the former Dairy Farm.

There is a case for increasing the fencing along the western boundary, so that it can provide a buffer between the housing and the football pitch. In addition to its being practical in deterring stray footballs, it would provide some consistency of boundary style, and it would not impinge on the open views of the green belt to the north. However, it is considered that these views would be compromised if the boundary fencing at No.6 were extended beyond the limit of the fencing at No.5.

It is understood that this application has been amended to include tall doors where the farm gate now stands between Nos.5 and 6 Dairy Farm Lane. Whilst this is regrettable, the need to prevent trespass has been demonstrated and the effect on the views through the site would not be significant.

RECOMMENDATIONS: Acceptable, provided that the extent of the fencing on the boundary with No.6 is reduced to match that at No.5.

Officer comment - these views were forwarded to the applicant/agent and revised drawings have been received which comply with this advice.

## **7. MAIN PLANNING ISSUES**

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

Policy BE13 of the Adopted Hillingdon UDP (Saved Policies, September 2007) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene and BE19 states that the LPA will seek to ensure that new development within residential areas compliments or improves the amenity and character of the area.

National policy guidance in relation to development within Green Belts is set out in PPG2 Green Belts. Advice contained in that document states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This is to be achieved by resisting inappropriate development which by definition is harmful to the Green Belt.

Policy OL1 of the UDP (Saved Policies September 2007) states that within the Green Belt, certain open land uses will be considered acceptable, and Policy OL2 states where uses are considered acceptable the Local Planning Authority will seek comprehensive Landscape Improvements to achieve enhanced visual amenity and other open land objectives. Policy OL4 of the UDP (Saved Policies September 2007) states that the replacement or extension of buildings within the green belt will only be permitted if the development would not result in any disproportionate change in the bulk and character of the original building, would not significantly increase the built-up appearance of the site, and would not injure the visual amenities of the green belt by reason of siting, materials, design, traffic or activities generated.

The site is a recent development which includes fencing of the type proposed on the boundaries already. Given this it is considered that the principle of boundary fencing in this location has been established.

### **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 is within Harefield Conservation Area, and the Conservation and Urban

Design officer states that the development was designed around informal courtyards and with low key boundaries, so as to retain something of the open character of the former Dairy Farm. There is a case for increasing the fencing along the western boundary, so that it can provide a buffer between the housing and the football pitch. In addition to it being practical in deterring stray footballs, it would provide some consistency of boundary style, and would not impinge on the open views of the green belt to the north. The inclusion of tall doors where the farm gate now stands between Nos.5 and 6 Dairy Farm Lane is regrettable. However, the need to prevent trespass has been demonstrated, and the effect on the views through the site would not be significant. Therefore the application is considered acceptable and the proposal is considered to comply with Policy BE4 of the UDP (Saved Policies September 2007).

#### **7.04 Airport safeguarding**

Not applicable to this application

#### **7.05 Impact on the green belt**

PPG2 states that the construction of new buildings within the Green Belt is inappropriate unless it is for certain specified purposes. The proposal relates to the provision of additional fencing to a newly constructed residential development and as such, the residential use on this land is established. The guidance goes on to state that the visual amenities of the Green Belt should not be injured by proposals for developments which could be visually detrimental by reason of their siting, materials or design.

Policy OL1 defines the types of development that are considered acceptable within the Green Belt. Residential uses would not normally conform to those acceptable types of development. However, permission was granted as an exception (planning permission 27314/APP/2005/844) in March 2006.

The proposal is to replace an existing '5 bar gate' between Nos.5 and 6 Dairy Farm Lane and to erect 2 sections of 1.8m close board fencing to the southern boundaries of the properties bounding the sports pitch and 1 further section to the south boundary of no.6 Dairy Farm Lane. Initially, the development was approved with low level chain link fencing along most of this boundary, to try and maintain the open character of the area. However, this has proved problematical due to the siting of the sports pitch on this boundary with its associated use (ball nuisance) and the lack of privacy afforded to those dwellings, and in particular patio areas and rear ground floor fenestration to those houses.

It is considered that the impact of this additional fencing would be marginal, due to the existing similar approved fencing to the rear boundaries of Nos.7 and 8 Burbery Close and furthermore, it would only project 10m past the rear building line of the last property leaving the remaining 15m section as low chainlink to maintain the open character of the countryside behind. In addition, it is considered that the proposed fencing will shield views of these properties residential paraphernalia which could be considered to cause visual harm to the views across the green belt.

The proposal would not result in any further additional land being enclosed by the fencing and the materials and design proposed are considered to be in-keeping with the site and the residential properties to which they relate. As such, due to the type of fencing proposed and the existing landscaping, which is shown to be retained, it is not considered the proposal would result in a disproportionate change or a material increase in the built up appearance of the site. Therefore, the proposal is considered to comply with policy OL4 of the UDP (Saved Policies September 2007) and advice set out in PPG2 Green Belts.

#### **7.06 Environmental Impact**

Not applicable to this application

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

The proposed fencing would be visible from the adjacent highway and sports field. However, it would be set behind the existing newly planted landscaping on the site boundaries and once this has matured would be well screened. It is therefore considered the proposal would not result in harm to the character and appearance of the existing properties, the street scene or the wider area in compliance with policies BE13 and BE19 of the UDP (Saved Policies September 2007).

#### **7.08 Impact on neighbours**

Due to the design and distances to the nearest properties, it is not considered that any material loss of amenity would arise by either loss of sunlight, overshadowing, or privacy. As such, the proposal is in accordance with Policies BE20, BE21 and BE24 of the UDP (Saved Policies September 2007).

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

Not applicable to this application

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

With regard to traffic impact, the layout plans show the existing parking and access arrangements to remain unchanged and therefore the proposal would not be contrary to Policy AM7 of the UDP (Saved Policies September 2007).

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

See Section 7.07

#### **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 existing newly planted landscaping is shown to be retained. Therefore, the proposal is considered to comply with policy BE38 of the UDP (Saved Policies September 2007).

#### **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**

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**

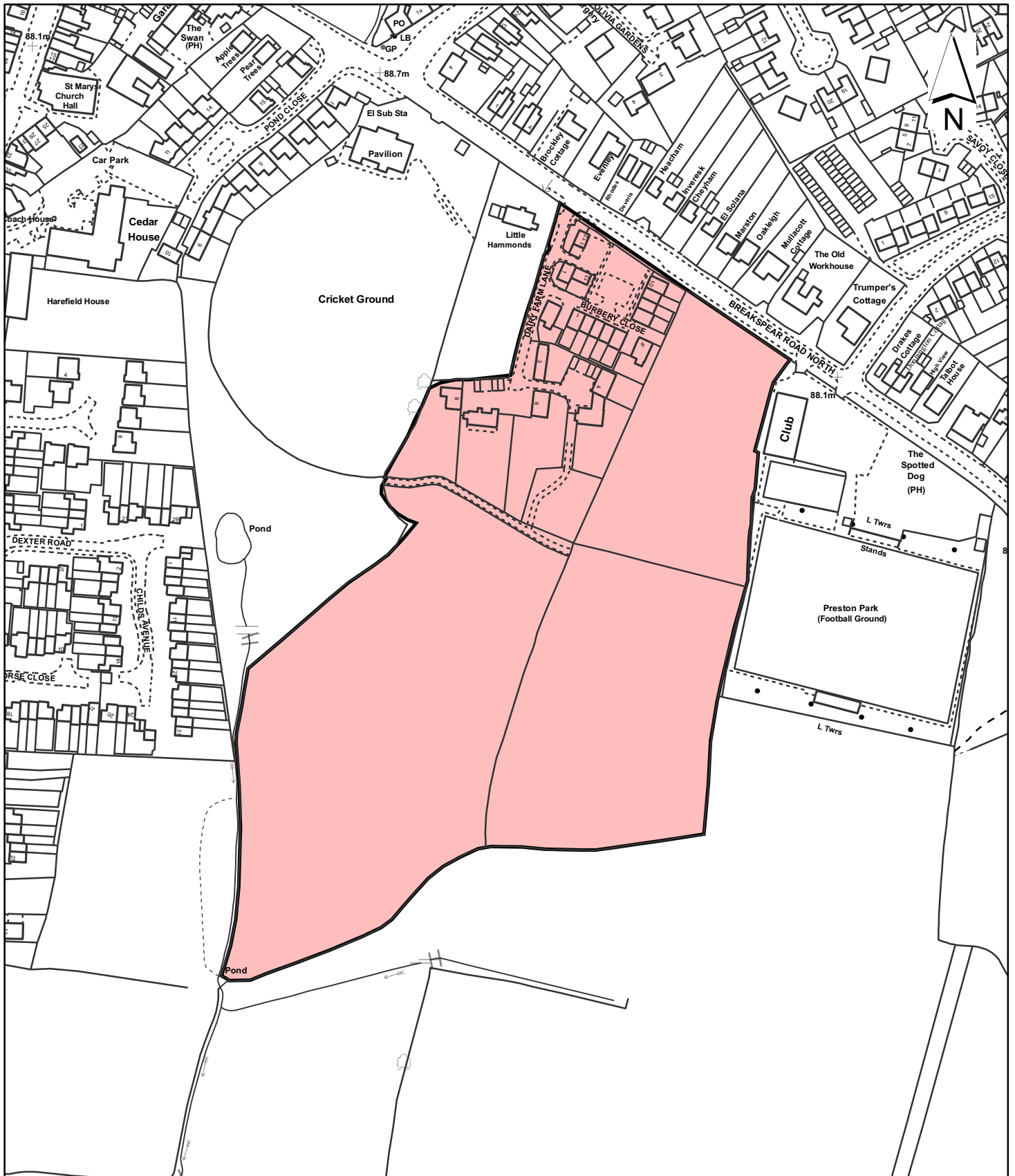
The proposed additional fencing and replacement gates would not result in any adverse impacts and would comply with all relevant policies contained in the UDP (Saved Policies September 2007) and therefore the proposal is recommended for Approval.



## **11. Reference Documents**

Hillingdon Unitary Development Plan Saved Policies September 2007  
The London Plan (2008)  
PPG2 - Greenbelts

**Contact Officer:** Catherine Hems

**Telephone No:** 01895 250230



<p><b>Notes</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2009</p>	<p>Site Address</p> <p align="center"><b>The Dairy Farm Breakspear Road Harefield</b></p>		<p align="center"><b>LONDON BOROUGH OF HILLINGDON</b></p> <p align="center"><b>Planning &amp; Community Services</b></p> <p align="center">Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p align="center"><b>27314/APP/2009/2021</b></p>	<p>Scale</p> <p align="center"><b>1:2,500</b></p>	 <p align="center"><b>HILLINGDON</b> LONDON</p>
	<p>Planning Committee</p> <p align="center"><b>North</b></p>	<p>Date</p> <p align="center"><b>October 2009</b></p>	