

Report of the Corporate Director of Planning & Community Services

Address 315 WEST END ROAD RUISLIP

Development: Provision of 1.9m high close boarded timber fencing along the Masson Avenue and West End Road boundaries, with new access gates and visibility splays Masson Avenue (Part Retrospective application).

LBH Ref Nos: 61905/APP/2008/3233

Drawing Nos: Design and Access Statement
05/06 - WER - SL/101 Rev F

Date Plans Received: 13/11/2008 **Date(s) of Amendment(s):** 13/11/2008
Date Application Valid: 13/11/2008 23/09/2009

1. SUMMARY

Planning permission is sought for the retention of a close boarded fence. The fence is an improvement over the palisade fence which is the subject of an enforcement notice and in visual terms is considered to be acceptable.

2. RECOMMENDATION

APPROVAL subject to the following:

1 NONSC Non Standard Condition

The reduction in the height of the entrance gates and the creation of visibility splays on either side of the entrance gate as shown on drawing 05/06-WER-SL/101 Rev F, hereby approved shall be implemented within 3 months from the date of this permission.

REASON

To maintain highway and pedestrian safety in accordance with policy AM7 of the UDP Saved Policies September 2007.

2 NONSC Non Standard Condition

Within three months of the date of this permission the fencing hereby approved shall be stained to match the colour of the existing fencing on the site.

REASON

To ensure that the visual amenity of the area is maintained in accordance with policy BE13 of the UDP 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

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
OE1	Protection of the character and amenities of surrounding properties and the local area
BE19	New development must improve or complement the character of the area.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the south-eastern corner of Masson Avenue and West End Road and comprises a forecourt and single storey building presently used for car valeting and washing. Within the site and along the southern site boundary are workshop buildings that extend the entire width of this boundary. A number of cars are parked within the forecourt of the existing buildings and a portacabin lies along the side boundary with 6 Mason Avenue. Along part of the West End Road and Masson Avenue frontages a 1.9m high close boarded fence has been erected in front of galvanized steel palisade fence and gates. The fence has been stained brown in colour. The remaining site boundary is demarcated by part timber and brickwork wall and part timber panel fence with concrete posts measuring 2.1m high.

To the east and north of the application site are residential properties; 6 Masson Avenue lies immediately to the north east of the application site. The properties in Masson Avenue comprises either low brick walls or hedgerows along the roadside frontages. To the west is an area of undeveloped land and to the south is the sports ground with a hedgerow along the roadside frontage. The application site lies within the 'developed area' as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and adjoins an Area of Environmental Opportunity to the south.

3.2 Proposed Scheme

Planning permission is sought for the retention of the 1.9m high close boarded fence along part of West End Road and Masson Avenue. The fence is attached to an existing palisade fence and gate which was erected without the benefit of planning permission in 2006. The applicant also proposes to reduce the height of the gate and section of the wall on either side to 1m high to provide visibility for vehicles accessing the site.

3.3 Relevant Planning History

61905/APP/2006/1578 315 West End Road Ruislip

ERECTION OF 2.4 METRE HIGH GALVANISED STEEL PALISADE FENCE AND GATES
ALONG PART OF WEST END ROAD AND MASSON AVENUE FRONTAGES
(RETROSPECTIVE APPLICATION).

Decision: 23-08-2007 Refused

Comment on Relevant Planning History

Members will recall that planning permission (ref: 61905/APP/2008/1578) for the retention of a 2.4m high galvanised steel palisade fence and gates along part of West End Road and Masson Avenue frontages, was refused at the North Planning Committee on 7th August 2007, for the following reason:

"The existing 2.4m high galvanized steel palisade fence along the West End Road and Masson Avenue frontages, by reason of its siting, height, details and overall design, presents an incongruous and visually intrusive form of development in the appearance of the existing street scene. It is detrimental to the character and appearance of the existing street scene and the visual amenities of the area. The proposal is therefore contrary to policies BE13 and BE19 of the Borough's adopted Unitary Development Plan."

Members also considered it expedient to issue an Enforcement Notice requiring the removal from the land of the steel palisade fencing with gates, in its entirety, and all associated debris, and make good the land. A period of three months was given for compliance with the terms of the Enforcement Notice.

The Notice was issued and was not complied with. A summons was served and on the 1st December 2008 the applicant appeared at Uxbridge Magistrates Court. The applicant pleaded guilty and was fined £2,000 and was ordered to pay costs of £1,000.

Prior to his appearance at Court, the applicant erected close boarded fencing in front of the palisade fence, the subject of this current planning application. The palisade fence has been reduced in height so that it is not visible above the timber fence.

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:

- | | |
|------|--|
| BE13 | New development must harmonise with the existing street scene. |
| BE15 | Alterations and extensions to existing buildings |
| OE1 | Protection of the character and amenities of surrounding properties and the local area |
| BE19 | New development must improve or complement the character of the area. |

5. Advertisement and Site Notice

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

6. Consultations

External Consultees

37 adjoining owner/occupiers and the South Ruislip Residents' Association (2 groups) have been consulted. No comments have been received.

Environment Agency: We have assessed this application as having a low environmental risk.

MOD Defence Estates: No safeguarding objections

National Air Traffic Services: No safeguarding objections

MOD Safeguarding: No comments received

Thames Water Development Planning Assets: No objections to this application

Internal Consultees

Trees/Landscape:

THE SITE

The site is a prominent corner plot at the junction of west End Road and Masson Avenue. According to our records, a protected tree T1, on TPO No 289, was removed within the past year or so.

THE PROPOSAL

The proposal is retrospective and seeks permission to retain a new 1.9 metre high close board boundary fence.

While no objections to the fence are raised it is noted that it was previously recommended that a new tree be planted as a condition of the previous application ref. 2007/3129. A submission has not been received in relation to the tree replacement.

RECOMMENDATION

If you are minded to approve this application I have no objection subject to a tree replacement condition, TL5, TL6 and TL7.

Officer Comments - Planning application ref. no. 2007/3129 was withdrawn by the applicant on 25 June 2008. As this application does not involve a development that would require the removal of a tree and as such it would be unreasonable to impose a planning condition requiring tree replacement.

Highways:

No objections as the fence has been reduced to 1m for 2.4m wide on either side of the entrance gates so as to maintain visibility when accessing the site on the highway.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

No objections are raised to the principle of enclosing this site.

7.02 Density of the proposed development

This is not applicable to this application.

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

This is not applicable to this application.

7.04 Airport safeguarding

This is not applicable to this application.

7.05 Impact on the green belt

This is not applicable to this application.

7.06 Environmental Impact

This is not applicable to this application.

7.07 Impact on the character & appearance of the area

The close boarded timber fence is an improvement over the previous palisade fence. It relates satisfactorily with the existing brick wall with timber fencing located between the vehicular entrance and 6 Masson Avenue and does not harm the appearance of the street scene. Therefore, the development complies with policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

The applicant was advised to reduce the height of the timber section of the gate and fence along the left side as vehicles exit the site, to 1m to maintain visibility for vehicles accessing the site. The fence to the right is an existing fence and therefore it is not possible to require a section of this fence to be reduced. The palisade fence along the gate and the section of the timber fence to be reduced would be retained at its current height to maintain security of the site. However, the applicant has provided amended plans showing the timber gate and the palisade fence reduced to 1m. The existing wall and a section of the timber fence on either side of the entrance gate are also shown reduced to 1m for a width of 2.4m. This is considered to be acceptable and would not harm the appearance of the street scene.

The palisade fence (albeit reduced in height), the subject of an enforcement notice, has been retained behind the close boarded fence. The palisade does not form part of this planning application though and therefore is not under consideration.

7.08 Impact on neighbours

Given the nature of the development, the close boarded fence does not harm the residential amenities of the occupiers of nearby residential properties, in accordance with policy OE1 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.09 Living conditions for future occupiers

This is not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The application now proposes to provide visibility splays on either side of the entrance gate. This is considered to represent an improvement on highway and pedestrian safety, in accordance with policy AM7 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.11 Urban design, access and security

This is addressed at section 07.07.

7.12 Disabled access

This is not applicable to this application.

7.13 Provision of affordable & special needs housing

This is not applicable to this application.

7.14 Trees, Landscaping and Ecology

This is not applicable to this application.

7.15 Sustainable waste management

This is not applicable to this application.

7.16 Renewable energy / Sustainability

This is not applicable to this application.

7.17 Flooding or Drainage Issues

This is not applicable to this application.

7.18 Noise or Air Quality Issues

This is not applicable to this application.

7.19 Comments on Public Consultations

No comments have been received.

7.20 Planning Obligations

This is not applicable to this application.

7.21 Expediency of enforcement action

This is not applicable to this application.

7.22 Other Issues

There are no other relevant issues.

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

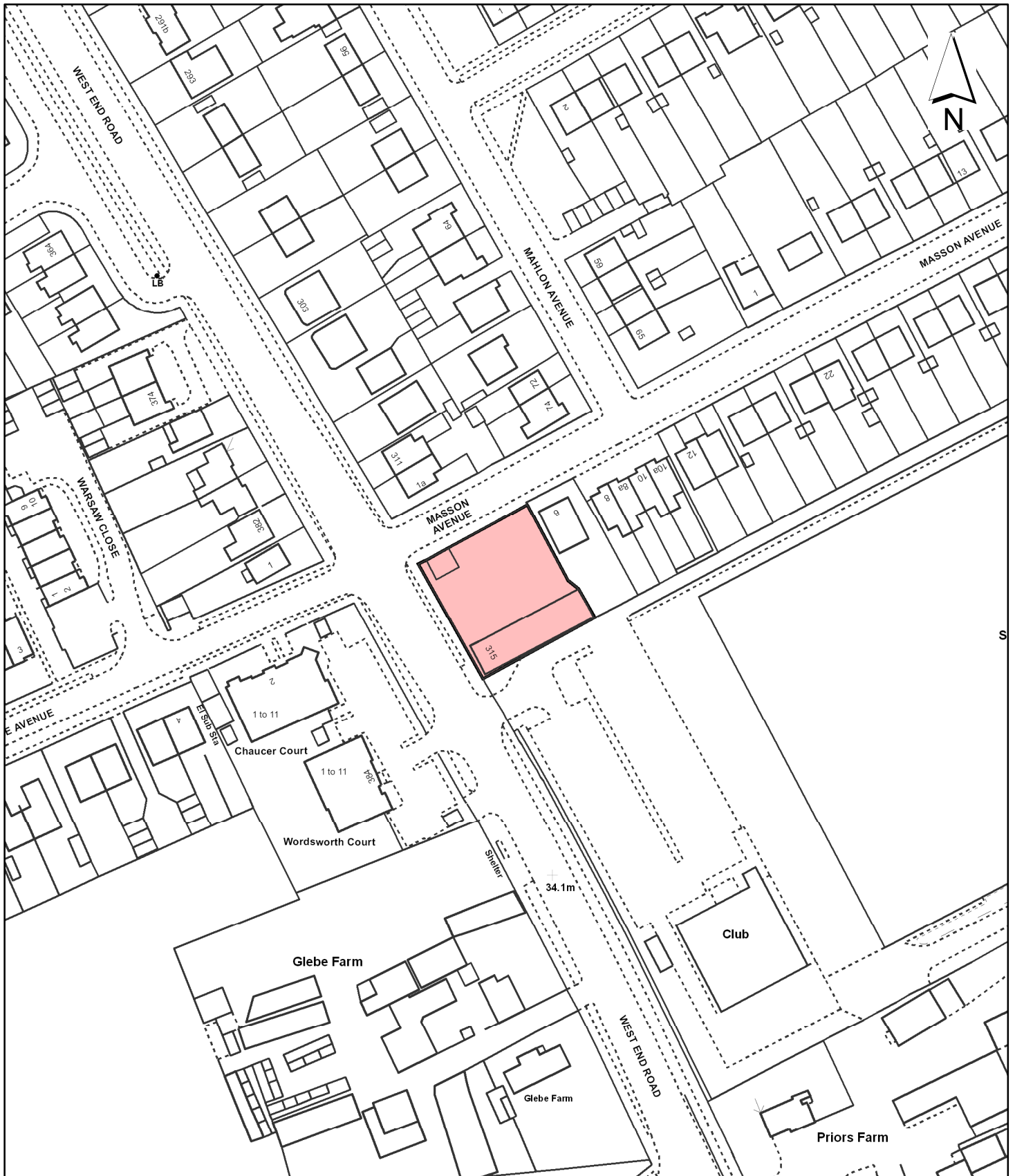
For the reasons outlined above and that the development complies with the aforementioned policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), this application is recommended for approval.



11. Reference Documents

Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007)

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<p>Notes</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>315 West End Road Ruislip</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Planning & Community Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p>61905/APP/2008/3233</p>	<p>Scale</p> <p>1:1,250</p>	
	<p>Planning Committee</p> <p>North</p>	<p>Date</p> <p>November 2009</p>	
		 <p>HILLINGDON LONDON</p>	