

Report of the Head of Planning, Sport and Green Spaces

Address 133B HIGH STREET UXBRIDGE

Development: Retention of outbuilding to the rear as built to be used as a community centre/place of worship.

LBH Ref Nos: 68976/APP/2016/253

Drawing Nos: Design, Access and Heritage Statement
Location Plan (1:1250)
B3919-20

Date Plans Received: 21/01/2016 **Date(s) of Amendment(s):**

Date Application Valid: 21/01/2016

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The outbuilding, by reason of its visually unacceptable appearance would detrimentally impact on the character, appearance and setting of the Grade II Listed Building and Listed Wall and fails to preserve the character and appearance of the immediate street scene and surrounding Old Uxbridge/Windsor Street Conservation Area contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE4, BE10, BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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 (2015) and national guidance.

AM14	New development and car parking standards.
BE4	New development within or on the fringes of conservation areas
BE10	Proposals detrimental to the setting of a listed building
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
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
R9	Proposals for the use of buildings for religious and cultural purposes

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 (2015). 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises an existing single storey, rectangular building located to the rear of the retail parade on the eastern side of Uxbridge High Street. The building is currently in use as the Eyup Sultan Educational Cultural Centre and place of worship, which is classified as a D1 use.

The building is to the rear of the three storey terraced building, No.133 High Street, which has a split retail unit at ground floor and residential accommodation at first and second floors. The building is Grade II Listed as part of a listing which covers Nos.129-133 High Street. The application building is link attached to No.133a High Street through a brick wall, running along the boundary with the footpath passageway between the High Street and Redford Way to the rear of the site. The wall is protected as part of the Listing of the building. There is a curved section of the listed wall at the rear of the existing building which is hidden under render, along with an up stand of bricks (from the original wall) along the north-west elevation.

No.132 High Street, The Good Yarn Public House, is located opposite the site. To the south of the site is the two storey rear wing of No.134A High Street, this building is also Grade II Listed and was granted approval in 2012 to be converted into 3 x 2 bedroom flats.

To the rear (north-east) of the site is the nearest residential property, a purpose built residential block known as Culham Court on Redford Way. Located opposite Culham Court and also on Redford Way is Redford House, in use as a charity furniture store (A1 Use) and the building immediately to the north of Redford House also accessed via Redford Way is a place of worship.

The site lies in the Old Uxbridge/Windsor Street Conservation Area and is located within an Archaeological Priority Area as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

Redford Way and all the surrounding residential streets are located within a controlled

parking zone, with car parking limited to permit parking between 9am and 5pm Monday to Saturday on Redford Way. The site has a Public Transport Accessibility Level (PTAL) of 6.

3.2 Proposed Scheme

Planning permission is sought for the retention of an outbuilding, as built, to be used as a community centre/place of worship (D1 Use Class).

3.3 Relevant Planning History

68976/APP/2013/799 133b High Street Uxbridge

Demolition of existing outbuilding and erection of new single-storey building, for use as cultural centre/place of worship (Use Class D1)

Decision: 10-07-2013 Refused

68976/APP/2013/800 133b High Street Uxbridge

Demolition of existing outbuilding (Conservation Area Consent).

Decision: 10-07-2013 Refused

68976/APP/2014/3478 133b High Street Uxbridge

Details pursuant to condition 6 (footings) of planning permission ref: 68976/APP/2014/467, date 17-06-2014 (Listed Building Consent for demolition of existing outbuilding and erection of new single storey building, for continued use as a cultural centre/place of worship (D1))

Decision: 18-12-2014 Approved

68976/APP/2014/3479 133b High Street Uxbridge

Details pursuant to condition 5 (footings) of planning permission ref: 68976/APP/2014/351, date 17-06-2014 (Demolition of existing outbuilding and erection of new single storey building, for continued use as a cultural centre/place of worship (D1))

Decision: 18-12-2014 Approved

68976/APP/2014/351 133b High Street Uxbridge

Demolition of existing outbuilding and erection of new single storey building, for continued use as a cultural centre/place of worship (D1)

Decision: 12-06-2014 Approved

68976/APP/2014/3829 133b High Street Uxbridge

Details pursuant to condition 6 (Written Scheme of Archaeological Investigation and Watching Brief) of planning permission ref: 68976/APP/2014/351, dated 17/6/2014 (Demolition of existing outbuilding and erection of new single storey building, for continued use as a cultural centre/place of worship (Class D1)).

Decision: 01-12-2014 Approved

68976/APP/2014/3830 133b High Street Uxbridge

Details pursuant to condition 7 (Written Scheme of Archaeological Investigation and Watching Brief) of Listed Building Consent ref: 68976/APP/2014/467, dated 14/6/2014 (Demolition of existing outbuilding and erection of new single storey building, for continued use as a cultural centre/place of worship (D1)).

Decision: 01-12-2014 Approved

68976/APP/2014/467 133b High Street Uxbridge

Listed Building Consent for demolition of existing outbuilding and erection of new single storey building, for continued use as a cultural centre/place of worship (D1)

Decision: 12-06-2014 Approved

68976/APP/2016/254 133b High Street Uxbridge

Retention of outbuilding to the rear as built to be used as a community centre/place of worship (Listed Building Consent).

Decision:

Comment on Planning History

See Section 7.21 of this report.

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.HE1 (2012) Heritage

Part 2 Policies:

AM14 New development and car parking standards.

BE4 New development within or on the fringes of conservation areas

BE10 Proposals detrimental to the setting of a listed building

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

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

R9 Proposals for the use of buildings for religious and cultural purposes

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 28 local owners/occupiers and a site notice was displayed. Two responses were received:

- i) Rear wall reduced with an unfinished appearance
- ii) Interior wall probably needs some protection from the elements
- iii) Water pouring from unfinished guttering
- iv) Impact on Listed Building and Conservation Area
- v) The Listed Wall needs to be properly repaired and rendered
- vi) Visual amenity for residents
- vii) Design, appearance and materials of windows and doors inappropriate for Conservation Area - will they be PVC or wooden?
- viii) Development has not been built in accordance with approved plans
- ix) Unacceptable parking
- x) Commercial refuse bins along Johnson's Yard impact on public access

Ward Councillor: Requests that the application is reported to committee for consideration.

Old Uxbridge Conservation Panel: No response received

Uxbridge Local History and Archive Society: No response received

Historic England: On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

Internal Consultees

Conservation Officer:

The site lies within the Old Uxbridge/Windsor Street Conservation Area, the boundary wall is considered as listed as it falls within the curtilage of the grade II frontage property and the site itself also falls within the curtilage of this listed structure.

There are considerable concerns re this application:

- The Design and Access Statement advises that the building is to be retained as built, whilst the drawings show the changes that were discussed with the applicant, such as changes to the boiler flue, the removal of the metal door left hanging off the wall and replacement of the PVC windows. It is important that these elements of the works are undertaken in order to ensure that the current building is of a sufficient quality, in terms of the adjacent heritage assets and their settings, that it can be retained.

- Where there are vertical gaps between the new building and original walls, these should be infilled

with brickwork toothed into the original structure. The wall should not be cut back. It is advised that the gap to the south of the new building is corrected by the insertion of a brick pier located within the garden space between the 2 structures, this can then be used to support the free end of the bowed section of brickwork (to the original wall). It is advised that an appropriately experienced specialist brick layer is employed to undertake these works and details will be required.

- The PVC windows should be removed and white painted timber, side hung casements of a traditional appearance inserted in their place - detailed design to be agreed.

- The shiny white plastic fascia boards should be replaced in timber and the PVC down pipes and gutters replaced in metal. The down pipe adjacent to the listed wall to the south must be run into the existing drain.

- The new timber door design (in place) is acceptable and the door at the northern end of the building should be replaced to match. The door in the original wall can also be replaced in timber, however, a detail should be provided of this as its not to the same proportions as the other standard modern doors.

- The existing stub of the original wall at ground level should be protected by a wide stone capping with a DPC below, if required- it should not be capped with additional concrete, or be covered with a flashing.

- The proposed "roof" cover to the end of the wall should be omitted, as this is proposed to be slate covered in felt, which would be visible over the top of the existing structures. If a water proof cover is necessary, this should sit below the roof/wall parapet.

- The rear elevation drawing and cross-section do not match re the roof profile

- Details of the repairs to the wall are required

- The wall and new building should both be painted off white, RAL colour/manufacturers colour code to be confirmed

Revised drawings required

Officer comments: No revised drawings have been received to address the Conservation Officer's comments. Whilst some of the issues raised could be dealt with through the use of suitably worded conditions, it is considered that insufficient detail has been provided in order to fully address the concerns raised by the Conservation Officer.

Environmental Protection Unit: No objection to the planning application.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The use of the building for a community centre/place of worship (Use Class D1) was established as part of planning permission ref: 68976/APP/2014/351, dated 17-06-14. This current application seeks to regularise the appearance of the building which has not been built in accordance with the previously approved plans. There is no objection to the continued use as a community centre/place of worship.

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 at the rear of No.133 High Street, which is part of a Grade II

Listed Building (Nos.129-133 High Street). The application building is attached to No.133a High Street through a brick wall, running along the boundary with the footpath passageway between the High Street and Redford Way to the rear of the site. The wall is protected as part of the Listing of the building. The site is also located in the Old Uxbridge/Windsor Street Conservation Area.

Policy BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that new developments should retain or enhance the character and appearance of the Conservation Area and those features which contribute to the special architectural qualities. Policy BE10 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states planning permission will not normally be granted for proposals which are considered detrimental to the setting of a listed building.

The Council's Conservation Officer considers that the outbuilding, as built, is visually unacceptable due to an incomplete appearance resulting from gaps between the new building and original listed walls and the use of PVC windows, PVC down pipes and PVC gutters.

The development would have a detrimental impact on the character, appearance and setting of the Grade II Listed Building and Listed Wall. The development would also visibly impact, and fail to preserve the character and appearance of the surrounding Old Uxbridge/Windsor Street Conservation Area. As such, the proposed scheme does not comply with Policies BE4 and BE10 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that development will not be permitted if the layout and appearance fails to harmonise with the existing street scene. Policy BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires alterations and extensions to existing buildings to harmonise with the scale, form, architectural composition and properties of the original building.

The outbuilding, as built, does not present an appropriate visual impact on the immediate street scene due to gaps between the new building and original listed walls creating an incomplete appearance to the building. Also, the use of PVC windows, PVC down pipes and PVC gutters is not in keeping with the surrounding buildings, thereby appearing out of character with the surrounding area.

The proposed scheme is therefore considered to not comply with Policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The impact of the proposal on the Listed Building (No.133 High Street), the listed wall and the Old Uxbridge/Windsor Street Conservation Area have been dealt with in Section 7.03 of the report.

7.08 Impact on neighbours

Policy BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires the design of new buildings to protect the privacy of occupiers and their

neighbours. Policy OE1 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) requires new development to protect the character and amenities of surrounding properties by reason of siting or appearance, traffic generation and congestion and noise or vibration.

The nearest residential properties to the new building are located approximately 8 metres away in Culham Court to the northwest across Johnson's Yard and the highway of Redford Way. Further residential properties are located approximately 12 metres away in upper floor flats located above the commercial premises at No.133 High Street and No.134 High Street.

The previously approved scheme (ref: 68976/APP/2014/351) did not include windows on the side or rear elevations. The current as built outbuilding has two windows on the side elevation. It is considered that these windows, which face onto the neighbouring Public House (The Good Yarn, No.132 High Street) would not result in loss of privacy or issues of overlooking between the two buildings.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires due consideration of the impact of new development in traffic generation on the surrounding road network whilst Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) sets out the Council's Car Parking Standards.

Due to the small size of the development, the high PTAL rating of 6 for the site, the town centre location and the controlled car parking in operation, the proposal would not result in unacceptable levels of parking and traffic generation. The proposal would therefore accord with Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.11 Urban design, access and security

See Section 7.03 of this report.

7.12 Disabled access

Level access to and from the building would be provided. As such, it is considered that the proposal would be acceptable in terms of accessibility.

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

During the public consultation, concern was raised over the impact of commercial refuse bins along Johnson's Yard on public access. Refuse storage and refuse collection arrangements were considered acceptable at the time of the original planning permission (ref: 68976/APP/2014/467, granted in June 2014). The current application to retain the outbuilding, as built, would not impact on the previously approved refuse arrangements.

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

Two responses were received during the public consultation. The points raised have been discussed elsewhere in this report.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

The application site had been in use as an unauthorised cultural centre/place of worship for a number of years, and was considered immune from enforcement action. The use of the site as a cultural centre/place of worship (D1 Use Class) was regularised through planning permission ref: 68976/APP/2014/351 and the associated Listed Building Consent (ref: 68976/APP/2014/467), granted in June 2014.

There is currently an enforcement investigation on the site as the development has not been built in accordance with the approved plans. This current application, and the associated Listed Building Consent (ref: 68976/APP/2016/254) seeks to regularise the 'as built' outbuilding.

7.22 Other Issues

None

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy

2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

Planning permission is sought for the retention of an outbuilding, as built, to the rear of 133B High Street, to be used as a community centre/place of worship (D1 Use Class). This application seeks to regularise the as built outbuilding, which has not been built in accordance with the plans approved under planning permission ref: 68976/APP/2014/351, and the associated Listed Building Consent (ref: 68976/APP/2014/467) granted in June 2014.

There is no objection to the continued use of the building within Use Class D1. The outbuilding, as built, presents a visually unacceptable appearance that detrimentally impacts on the character, appearance and setting of the Grade II Listed Building and Listed Wall, the immediate street scene, and fail to preserve the character and appearance of the surrounding Old Uxbridge/Windsor Street Conservation Area.

The application does not comply with Policies BE4, BE10, BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The application is therefore recommended for refusal.

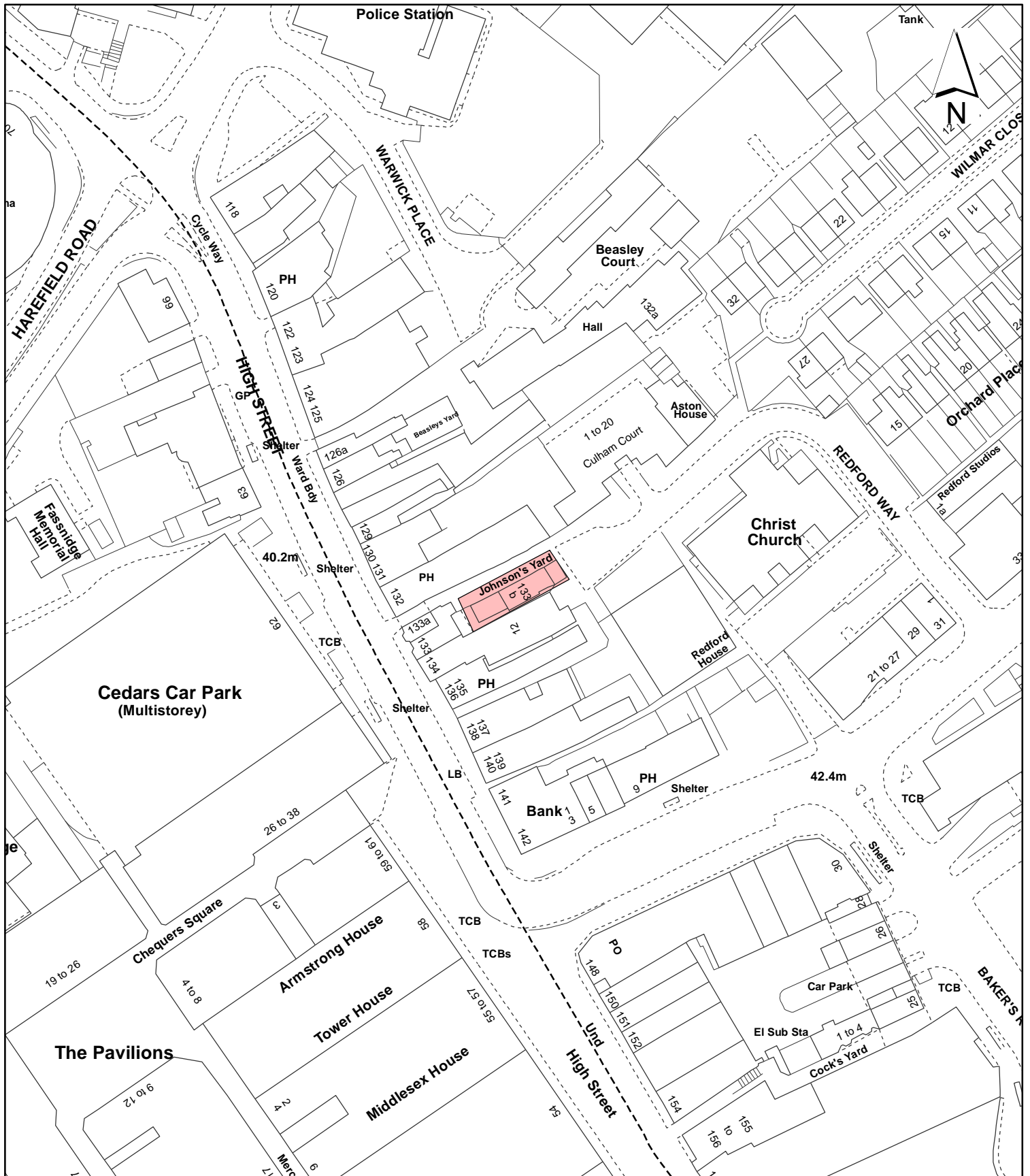
11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

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

Contact Officer: Katherine Mills

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Notes:

 Site boundary

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Site Address:

**133B High Street
 Uxbridge**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section

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

Planning Application Ref:
68976/APP/2016/253

Scale:
1:1,250

Planning Committee:
Central & South

Date:
May 2016

