

Report of the Head of Planning, Sport and Green Spaces

Address THE BEAR ON THE BARGE PH MOORHALL ROAD HAREFIELD

Development: Retention of 2 x single storey structures to rear and side of the existing building

LBH Ref Nos: 13931/APP/2016/721

Drawing Nos: 72-P3/1
72-P3/2
72-P3/3
72-P3/4
72-P3/5
72-P3/6
Design and Access Statement
Planning Statement

Date Plans Received: 22/02/2016 **Date(s) of Amendment(s):**

Date Application Valid: 03/03/2016

1. SUMMARY

This application seeks retrospective consent for the erection of two single storey extensions, to the side and rear of the existing Public House.

The extensions by reason of their unacceptable design, size, scale, siting and form would constitute a disproportionate and incongruous overdevelopment of the site. The extensions fail to relate or respect the existing scale, form and design of the original building, and completely dominate and overwhelm its traditional form and proportions. Given the excessive scale of the extensions, these are considered to erode the openness and character of the Green Belt to an unacceptable degree and constitute inappropriate development within the Green Belt. Furthermore, the unacceptable extensions detract from the character and setting of the building within the Waterside Conservation Area.

Overall, the extensions fail to comply with the Council's adopted policies and guidance and refusal is recommended.

2. RECOMMENDATION

That had an appeal for non-determination not been lodged, the Planning Inspectorate be notified that the application would have been refused for the following reasons:

1 NON2 Non Standard reason for refusal

The development would result in a disproportionate change to the bulk and character of the original building and would significantly increase the built-up appearance of the site to an unacceptable degree. The development represents inappropriate development within the Green Belt due to the excessive bulk, size, scale and siting of the extensions, which would detract from the openness and character of the Green Belt setting. The development is therefore contrary to Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies OL4 and BE15 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), Policy 7.16 of the London Plan (2015)

and the National Planning Policy Framework (2012).

2 NON2 Non Standard reason for refusal

The development, by reason of its excessive size, scale, bulk, siting, form and design, would result in an overdominant and visually obtrusive form of development, that overwhelms and dominates the original proportions and form of the original building to an unacceptable degree. The excessive scale of the extensions would be to the detriment of the character, appearance and setting of the building within the wider Waterside Conservation Area. The proposal would thereby be contrary to the National Planning Policy Framework (2012), Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), OL15, BE4, BE13, BE15 and BE19 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.

NPPF	National Planning Policy Framework
NPPF9	NPPF - Protecting Green Belt land
OE1	Protection of the character and amenities of surrounding properties and the local area
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL15	Protection of Countryside Conservation Areas
OL4	Green Belt - replacement or extension of buildings
OL9	Areas of Environmental Opportunity - condition and use of open land
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE20	Daylight and sunlight considerations.
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.
BE4	New development within or on the fringes of conservation areas

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 is located on the southern side of Moorhall Road and is set within a large plot extending eastwards towards the Grand Union Canal. The site is located within the Widewater Lock Conservation Area, Green Belt and Colne Valley Regional Park.

It comprises a modest fairly unaltered public house dating from the inter war era, extended to the rear without permission). The public house contributes towards the quality of the area and is a landmark building that has period features such as an extended tiled gable front, eaves and tall chimneys. It is located on a busy road with views from the local path.

3.2 Proposed Scheme

This application seeks retrospective consent for the erection of two single storey rear conservatory style extensions to the rear and side of the building.

The constructed rear extension is approximately 12.5 metres in depth, 13 metres in width and 3.6 metres in height at its tallest point. The constructed side extension is approximately 4.5 metres in width, 8.3 metres in length and approximately 3.3 metres in height. The structures are made up of predominantly glass and steel, with retractable plastic roof coverings and sides.

3.3 Relevant Planning History

13931/A/85/0749 Horse & Barge Ph Moorhall Road Harefield
Erection of side extension and enlarge car park and garden area.

Decision: 15-07-1985 Approved

13931/APP/2006/763 Horse & Barge Ph Moorhall Road Harefield
ERECTION OF A SINGLE STOREY REAR EXTENSION (INVOLVING DEMOLITION OF EXISTING RESTAURANT AREA), FOUR ENTRANCE ACCESS RAMPS AND ADDITIONAL C. PARKING (RETROSPECTIVE APPLICATION).

Decision: 25-05-2006 Withdrawn

13931/APP/2014/3746 Horse & Barge Ph Moorhall Road Harefield
Single storey rear infill extension, porch to front involving demolition of exiting porch, installation of hipped roof to front, alterations to elevations, installation of boundary wall to front and raising

of existing wall to rear

Decision: 17-12-2014 Refused

13931/APP/2014/4044 Horse & Barge Ph Moorhall Road Harefield

Single storey detached outbuilding to rear for use as bar and office/store involving demolition of existing outbuildings and play ground equipment

Decision: 19-12-2014 Withdrawn

13931/C/85/1197 Horse & Barge Ph Moorhall Road Harefield

Erection of conservatory.

Decision: 04-11-1985 Approved

13931/F/91/0034 Horse & Barge Ph Moorhall Road Harefield

Erection of a single-storey rear conservatory extension for restaurant, a kitchen extension and car park extension

Decision: 23-08-1991 Refused

Comment on Relevant Planning History

There have been a number of planning applications on this site, which are listed below. Of particular relevance to the consideration of this application is application 13931/APP/2014/3746, which refused consent for a single storey rear infill extension, porch to front involving demolition of existing porch, installation of hipped roof to front, alterations to elevations, installation of boundary wall to front and raising of existing wall to rear.

This application refused a much smaller extension to the rear of the site. The proposed extension was considered to have a detrimental impact on the visual amenities of the surrounding conservation area and wider street scene.

The extensions that have been constructed on site, are substantially larger and more prominent than those considered within the previous application.

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.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains

PT1.HE1 (2012) Heritage

Part 2 Policies:

NPPF	National Planning Policy Framework
NPPF9	NPPF - Protecting Green Belt land
OE1	Protection of the character and amenities of surrounding properties and the local area
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL15	Protection of Countryside Conservation Areas
OL4	Green Belt - replacement or extension of buildings
OL9	Areas of Environmental Opportunity - condition and use of open land
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
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BE4	New development within or on the fringes of conservation areas

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **6th April 2016**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

4 residents were notified of the planning application and a site notice erected at the site which expired on the 28th April 2016. Three responses were received to this consultation which raised the following concerns:

1. Inappropriate development within the green belt and conservation area;
2. The scale and nature of the work are out of keeping with the conservation area;
3. Concern with noise nuisance and litter.

EXTERNAL CONSULTEES:

Inland Waterways Association:

A viable public house should be retained next to the canal as it has been a useful facility for canal users. Some misgivings that the application may set an unwelcome precedent for other developments to proceed next to the canal and within the green belt without permission.

Canals and Rivers Trust:
No comments to make on the application.

Internal Consultees

Floodwater Management:

The site lies in flood zone 2 and there is also historic flooding in Moorhall Road in 2014.

A flood risk assessment has been submitted however this is limited and there is no detailed assessment of the risk to the site by obtaining flood levels. Also flood resistant construction methods are proposed, however these are not detailed, which is surprising considering this is a retrospective application. A flood warning and evacuation plan should be provided as well to ensure that the site remain safe.

Trees and Landscape:

It is not known whether trees or other landscape features of merit have been affected by the proposal. At least one tree shown on plan in the car park, is no longer present on site.

There is space and opportunity for new/replacement tree and hedge planting around the site perimeter fence and between the car bays, which would improve the site significantly.

If the application is recommended for approval, landscape conditions should be imposed to ensure that the proposals preserve and enhance the character and local distinctiveness of the surrounding natural and built environment.

Conservation:

The existing building has been considerably extended overtime, impacting the character and contribution this heritage asset has on the wider streetscene and Conservation Area. The single storey extensions are considered incongruous additions to an already substantially extended building. The extension do not relate or respect the plan form, character or style of the original building. The addition to the rear in particular detracts from the rural and open nature of the surrounding area.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The extensions to the building represent a disproportionate increase in the overall footprint of the building within its Green Belt setting. Furthermore, the extensions are of a design and scale, that would be out of character with, and completely overwhelm and detract from the original modest proportions and form of the original building. For these reasons, the principle of further extensions to the building are considered unacceptable. Further justification is provided within sections 7.05 'Impact on the green belt' and 7.07 'Impact on the character and appearance of the area'.

7.02 Density of the proposed development

Not applicable to the consideration of this application.

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

The site is visible from Moorhall Road and adjacent canal, and given such, the emphasis on design and scale, is of even more relevance and importance. The extensions by virtue of their siting scale, design and form, are considered to represent an incongruous and visually dominant form of development of the site, that completely overwhelms and dominates the elevations upon which they are sited to an unacceptable degree. The scheme is thereby considered detrimental to the character, appearance and setting of the building within the Conservation Area.

7.04 Airport safeguarding

There are no airport safeguarding issues associated with this application.

7.05 Impact on the green belt

Policy OL4 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) will not allow the replacement or extension of buildings within the Green Belt that would result in a disproportionate change in the bulk and character of the original building or would significantly increase the built up appearance of the site. Developments in the Green Belt that would injure the visual amenity of the Green Belt by the siting, materials and design would not be permitted.

The National Planning Policy Framework indicates that new buildings are inappropriate development within the Green Belt, and should not be approved except in very special circumstances. It does however set out an exception for the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building. With regard to the original building it is made clear within Annex 2 of the NPPF that the original building is a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built.

The main issue for consideration with this application, is thus whether the proposed retention of the extensions would be disproportionate. No definition of disproportionate is given in the Framework, or in local policy. Therefore, assessing proportionality is primarily an objective test based on the increase in size. Whether the proposal is a disproportionate addition is fundamentally a matter of the relative increase in overall scale and bulk of the original building.

Having looked through the planning history for the site, there have been a number of extensions and additions within the curtilage of the property in the past. The original building had a floor plan of circa 245 sq.m Gross External Area (GEA). The Council's records indicate a number of extensions to the building have been constructed (some without the benefit of planning permission) and an outbuilding erected, which have a total floor area of approximately 266 sq.m.

The extensions subject of this application, increase the floor area of the building by a further 199.85 sq.m. The total footprint of extensions and additions to the building is 466 sq.m.

Whilst there is no set definition within the NPPF of what constitutes a proportionate extension, it has been considered through appeals and case law that extensions in the Green Belt are normally only considered to be proportionate, where they result in less than a 50% increase in floor space and/or footprint from the original building, depending on which is more appropriate in the circumstance. Given height is involved it is considered that floor space would be more appropriate in this case.

On the basis of the information before the Local Planning Authority, the original building had a footprint of 245 sq.m. The extensions forming part of this application, represent an 82% increase over and above the footprint of the original building, and when taking into account the previous extensions to the building, which total 266sqm, the total of all the extensions would represent a 90% increase in floor area.

The proposed retention of extensions to the building would therefore represent a significantly disproportionate addition to the original building, when considered on their own merits and cumulatively with the previous extensions and curtilage additions.

Whilst the Council is aware of the need of such development to increase the amount of restaurant space for the business, such a need has to be considered in the context of the extensions and their impact. The scale of the additions, coupled with their incongruous design and finish, results in a development that is detrimental to the visual appearance of the site, and open aspect and visual amenity of the Green Belt. The scheme would thereby be contrary to both adopted National and Local policies and guidance.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to ensure that new development complements and improves the character and amenity of the area. Policy BE4 requires new developments within Conservation Areas to preserve or enhance the character and appearance of the Conservation Area.

The extensions as constructed, are substantial additions to the building which completely overwhelm and dominate the elevations of the building to an unacceptable degree. The siting, form and design of the additions, fails to relate in any form, to the layout and scale of the existing building, and these appear as incongruous additions. The contemporary steel framed construction is visually at odds with the overall appearance of the building, and whilst in some cases, a modern design approach is advocated for extensions to older buildings, in this instance, the failure of the extensions to relate in scale and form, render such an approach detrimental to the overall character and appearance.

Overall, the unacceptable design and scale of the extensions is considered to represent a development that is visually detrimental to the character, appearance and setting of the original building.

7.08 Impact on neighbours

The site is relatively distant from the nearby properties with Moor House the nearest neighbour located approximately 55m to the north west and Moorhall Cottage 100m to the north west the other side of the Canal.

The extensions are located towards the rear of the building and is separated from the nearby properties by the bulk of the existing building. As such the proposed extension and alterations will not harm the residential amenities of the occupiers of those properties and the proposal would comply with the requirements of policies BE20, BE21 and BE24 of the Hillingdon Unitary Development Plan Saved Policies (November 2012).

7.09 Living conditions for future occupiers

Not applicable to the consideration of this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

No alteration is proposed to the car parking provision of the site. The Councils standards require public houses/restaurants to provide 1 space per 50sqm of floor space. 14 spaces would be required for the floor area that exists at the site. This scheme provides 47 car parking spaces, 3 of which are designated disabled parking bays. The access to the site remains as existing, and overall, no objection is raised to the car parking provision of the site.

7.11 Urban design, access and security

See section 7.07 'Impact on character and appearance of the area'.

7.12 Disabled access

Level access is provided throughout the building and the extensions have been constructed in accordance with the relevant Building Regulations. Disabled car parking is also provided adjacent to the entrance. Given such, no objection is raised to the scheme in this regard.

7.13 Provision of affordable & special needs housing

Not applicable to the consideration of this application.

7.14 Trees, Landscaping and Ecology

No information has been submitted within this application to ascertain whether trees or other landscape features of merit have been affected by the extensions. From visiting the site, it is apparent that at least one tree shown on plan in the car park, is no longer present on site.

Had the scheme been found acceptable in all other respects, a condition would have been recommended on any consent to ensure the provision of new/replacement tree and hedge planting around the site perimeter fence and between the car bays.

7.15 Sustainable waste management

Not applicable to the consideration of this application.

7.16 Renewable energy / Sustainability

Not applicable to the consideration of this application.

7.17 Flooding or Drainage Issues

The site lies in flood zone 2 and there is also historic flooding in Moorhall Road in 2014.

A flood risk assessment has been submitted however this is limited and there is no detailed assessment of the risk to the site by obtaining flood levels. Also flood resistant construction methods are proposed, however these are not detailed. Had the scheme been found acceptable in all other respects, a condition would have been added to any consent requiring the details of the flood resistant construction measures to be submitted to the Council, in addition to the flood evacuation plan.

7.18 Noise or Air Quality Issues

Concerns have been raised by residents, in respect of noise disturbance as a result of the proposed extensions and increase in the number of people using the premises. A public house has existed in this location for a number of years, and whilst the extensions would increase the number of people that could visit the premises at any one time, it is not considered that the numbers would be such that would give rise to unacceptable increases in noise disturbance. The premises has been operating with the constructed extensions for a year and the Council is not aware of any noise complaints from residents as a result of this operation.

7.19 Comments on Public Consultations

The comments raised through the public consultations have been addressed within the main body of the report.

7.20 Planning Obligations

Not applicable to the consideration of this application.

7.21 Expediency of enforcement action

An enforcement notice was served on the site on the 30th March 2016, which took effect on the 29th April 2016. This notice sought the removal of the extensions to the rear and side that are the subject of this application. An appeal of this notice has been lodged with the Planning Inspectorate.

7.22 Other Issues

There are no other issues for consideration.

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

None.

10. CONCLUSION

The extensions by reason of their unacceptable design, size, scale, siting and form would constitute a disproportionate and incongruous overdevelopment of the site. The extensions fail to relate or respect the existing scale and form of the original building and completely dominate and overwhelm its traditional form and proportions. Given the excessive scale of the extensions, these are considered to erode the openness and character of the Green Belt to an unacceptable degree and detract from the character and setting of the building within the Waterside Conservation Area.

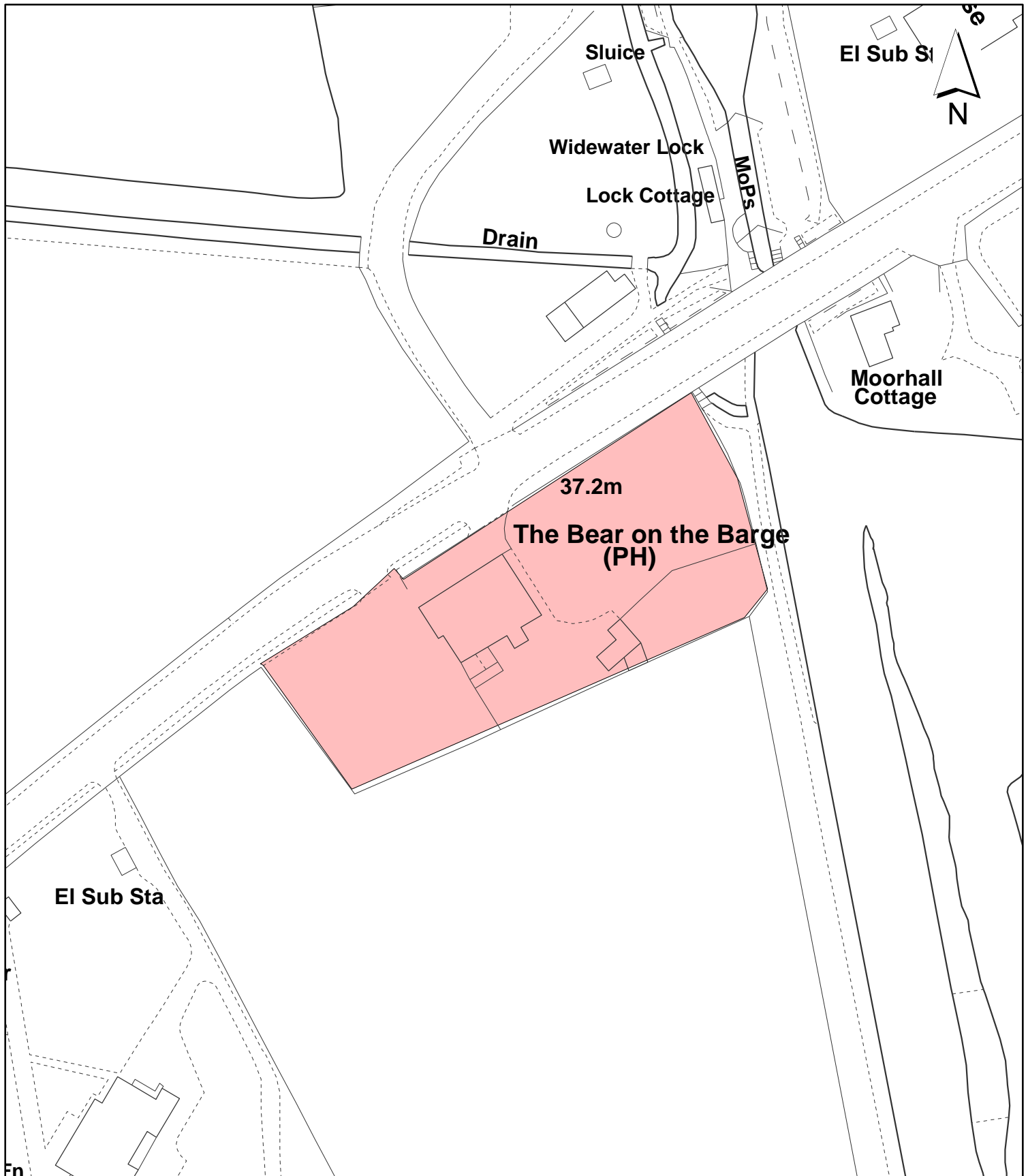
Overall, the extensions fail to comply with the Councils adopted policies and guidance and refusal is recommended.

11. Reference Documents

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).
Hillingdon Local Plan Part 2 - Saved Policies
The London Plan (2015).
National Planning Policy Framework.

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Notes:

 Site boundary

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Site Address:

**The Bear on the Barge PH
 Moorhall Road
 Harefield**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:
13931/APP/2016/721

Scale:
1:1,250

Planning Committee:
North

Date:
May 2016

