

Report of the Head of Planning, Sport and Green Spaces

Address PRINCE OF WALES PH 1 HARLINGTON ROAD HILLINGDON

Development: Retention of timber framed structure with a retractable canopy.

LBH Ref Nos: 7367/APP/2017/2070

Drawing Nos: Proposed Retractable Roof 1 Harlington Road Page 2 of 4
Proposed Retractable Roof 1 Harlington Road Page 3 of 4
Proposed Retractable Roof 1 Harlington Road Page 4 of 4
Proposed Retractable Roof 1 Harlington Road Page 1 of 4
Location Plan (1:1250)

Date Plans Received: 06/06/2017

Date(s) of Amendment(s):

Date Application Valid: 23/06/2017

1. SUMMARY

The current application seeks retrospective planning permission for a timber framed garden structure with a retractable canopy.

The timber structure is considered, given its scale, metal frame clad in timber, height, enclosed nature and the additional seating it contains to constitute an over-development of the site, resulting in an unduly intrusive, visually prominent and incongruous form of development, which would fail to respect the established character of the existing Locally Listed Building and the Hillingdon Village Conservation Area.

This application also fails to demonstrate that the use of this part of the site as effectively an extension of the restaurant occurs in a manner which is safe and secure or without causing unacceptable levels of noise and disturbance to neighbouring residents.

Furthermore, the applicant has failed to submit an accurate and robust assessment of the highways aspect that is associated with the development, including car parking, cycle parking, trip generation, highway and pedestrian safety, and free flow of traffic. Furthermore no mitigation measure have been proposed to alleviate the already identified highways issues resulting from the use of the timber shelter as part of the restaurant.

Refusal is recommended.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Visual Impact

The garden structure extension by reason of its siting, scale, detailing, materials and design would be detrimental to the architectural composition of the this locally listed building and the visual amenity of the wider area, failing to preserve or enhance the character and appearance of the wider Hillingdon Village Conservation Area. Therefore the structure is contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE4, BE8, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012).

2 NON2 Noise

In the absence of any proposed mitigation measures to control noise (generated by the patrons, television, music systems) and other forms of disturbance to surrounding neighbouring properties affecting the nearby residential occupiers, the application has failed to demonstrate that the development can safeguard the amenities of those occupiers. The proposal is therefore contrary to Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3 NON2 Traffic/Parking

The application fails to provide an accurate assessment of transportation and parking impacts associated with the proposed development including trip generation and car parking and as such the scheme fails to demonstrate that it would not be detrimental to highway and pedestrian safety and free flow of traffic, and that it has acceptable parking provision, refuse and loading & Unloading arrangements contrary to policies AM7, AM9 and AM14 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.

BE4	New development within or on the fringes of conservation areas
BE8	Planning applications for alteration or extension of listed buildings
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
SPD-NO	Noise Supplementary Planning Document, adopted April 2006
LPP 7.8	(2016) Heritage assets and archaeology
NPPF12	NPPF - Conserving & enhancing the historic environment

3. **CONSIDERATIONS**

3.1 **Site and Locality**

This site is located in the Hillingdon Village Conservation Area. The 1930's building is Locally Listed. It is situated on a prominent, highly visible location at the junction of Uxbridge Road and Harlington Road. The building is characterised by a gable end roof, mock timber detailing, tile hanging to the projecting bay and central chimney stack with brick detailing. The windows provide a distinctive charm to the building with white timber frames and black surrounds. The top lights of the windows to the front and side elevations (facing onto Uxbridge Road) feature lead work and stained glass detail.

The building has been converted to a restaurant, which is allowed under permitted development.

3.2 **Proposed Scheme**

The current application seeks retrospective planning permission for a timber framed garden structure with a retractable canopy. The structure as built is 10m long x 6m wide and has a maximum height at the apex of the pitched roof canopy of 3.2m.

The structure was constructed with a steel frame which has been clad in timber to give the appearance of a lightweight wooden structure.

The structure is enclosed on two sides with a roll down see through plastic shutter. On another side it is almost entirely enclosed by wooden trellis type panels. The 4th side facing the main building is open. The structure has seating for approximately 40 people with tables and chairs and audible music and a large TV screen.

It was also noted on site that the area between the timber structure and the main building is also covered with large parasols with further seating and tables for approximately 25 people.

3.3 **Relevant Planning History**

Comment on Relevant Planning History

7367/APP/2016/1456 - Installation of a timber shelter to rear with associated soft

landscaping works. Permission was granted on 27/09/2016.

7367/APP/2016/3787 - Details pursuant to Condition 4 (Materials) of planning permission ref: 7367/APP/2016/1456 for Installation of a timber shelter to rear with associated soft landscaping works. Permission granted on 08/12/2016.

The timber shelter was approved to be constructed of Baltic pine timber posts with light beige organic sheeting for the canopy.

When the application for the timber shelter was being assessed the applicant advised the council that the building would remain as a pub and the shelter would be to allow patrons to smoke outside under cover in the event of bad weather.

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:

BE4 New development within or on the fringes of conservation areas

BE8 Planning applications for alteration or extension of listed buildings

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE22 Residential extensions/buildings of two or more storeys.

BE23 Requires the provision of adequate amenity space.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

OE1 Protection of the character and amenities of surrounding properties and the local area

OE3 Buildings or uses likely to cause noise annoyance - mitigation measures

AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity

AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -
(i) Dial-a-ride and mobility bus services

	(ii) Shopmobility schemes
	(iii) Convenient parking spaces
	(iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
SPD-NO	Noise Supplementary Planning Document, adopted April 2006
LPP 7.8	(2016) Heritage assets and archaeology
NPPF12	NPPF - Conserving & enhancing the historic environment

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **2nd August 2017**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A total of 11 neighbouring properties were notified. A site notice was also displayed. In total 11 letters of objection were received. Objections have been raised on the following grounds:

- The garden is used a Shisha lounge/for Shisha smoking.
- There is noise disturbance from the site as there is loud music and belly dancers until 2am.
- There is parking chaos around the site particularly on Harlington Road and Coney Grove.
- The owners ignore planning rules and build what they want.

Officer Comment: it should be noted that this application is only considering the application for the retention of the timber structure in the garden. Issues surrounding the use of the site are being dealt with by the Planning Enforcement Team.

Internal Consultees

Urban Design and Conservation Officer:

This site is located in the Hillingdon Village Conservation Area. The 1930s building itself is Locally Listed; it is situated on a prominent, highly visible junction between the start of the Uxbridge Road and Harlington Road. Therefore the frontage to the pub contributes to the character and appearance of the public realm.

The rear of the site is highly visible from Harlington Road; therefore it is important any alterations to the rear of the site contribute positively to the overall street scene. The building is characterised by a gabled end roof, mock timbering and tile hanging to the front projecting bay. There is a central chimney stack with brick detailing. The windows provide a distinctive charm to the building with white timber frames and black surrounds. The top lights of the windows to the front and side elevations (facing onto Uxbridge Road) feature lead work and stained glass detail. It is important the character of the building is appropriately preserved and enhanced as the building provides a significant positive contribution to the character and appearance of the Conservation Area. This site has been subject to enforcement action and various other planning applications.

From my understanding this built structure has not been constructed in accordance with approved plans and submitted details. It was understood that the shelter within the beer garden was to be an open garden timber, pergola style structure, finished with a light weight canvas roof. It had been

described in the submitted planning statement for another application under paragraph headed as, 'Noise and Vibration', that the 'timber shelter would be an open aspect structure allowing existing customers standing in the beer garden to sit down on the benches and tables and provide shelter.' The built nature of the structure, including the steel structure is not as approved. The materials approved under the Discharge of Conditions application was stated as 'Baltic pine' and protective organic sheeting (light beige in colour) manufactured by Tuin (www.tuin.co.uk). The timber structure was also to include climbing vine planting (*Lonicera japonica* 'Halliana' AGM - an evergreen/semi-evergreen, vigorous climber, with dark green leaves and white fragrant flowers from Spring to Summer). It is unclear whether these have been put in place.

It would also need to be noted that we had been made aware that the shelter's sides had been enclosed. It would need to be clearly stated that these have been left open. By enclosing the shelter's sides and including a solid roofing material it creates a more solid structure increasing the bulk and scale and cannot be viewed as a lightweight garden structure. The enclosed sides and solid, permanent roofing material has increased its prominence on the site, in turn impacting on the character and appearance of the Locally Listed Building and Conservation Area. It would further divide and enclose the area available for the beer garden. The building would be considered an overly dominant, incongruous addition and would not remain subservient to the existing building.

The manufacturer's details of the retractable canopy would need to be confirmed. A Design and Access Statement/Planning statement should have been submitted as part of this application.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principal of a timber structure in the rear garden area was established with the approval of planning permission ref: 7367/APP/2016/1456.

7.02 Density of the proposed development

Not applicable to this application.

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

These issues are covered in Section 7.07.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policies BE13 and BE19 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), seek to ensure that new development complements or improves the character and amenity of the area, whilst Policy BE38 seeks the retention of topographical and landscape features and provision of new planting and landscaping in development proposals. The scale, bulk and siting of the buildings are key determinants in ensuring that the amenity and character of established residential areas are not compromised by new development.

Policy BE4 of the Hillingdon Local Plan UDP Saved Policies (November 2012) states that new development within or in the fringes of conservation areas will be expected to preserve or enhance those features which contribute to their special architectural and visual qualities.

London Plan Policy 7.1 sets out a series of overarching design principles for development in London and policy 7.6 seeks to promote world-class, high quality design and design-led change in key locations. In addition to Chapter 7, London Plan policies relating to density

(3.4) and sustainable design and construction (5.3) are also relevant.

Whilst a timber structure was previously approved on this site it is considered that by enclosing the shelter's sides and including a solid roofing material it creates a more solid structure increasing the bulk and scale and cannot be viewed as a lightweight garden structure. The enclosed sides and solid, permanent roofing material has increased its prominence on the site, in turn impacting on the character and appearance of the Locally Listed Building and Conservation Area. It would further divide and enclose the area available for the beer garden. The building would be considered an overly dominant, incongruous addition and would not remain subservient to the existing building.

The existing structure is large and does not relate to the architectural style of the existing building. It is considered an overly dominant, incongruous addition. The materials of the structure do not respect or respond to the existing traditional character of the Conservation Area or surrounding buildings or the Locally Listed Prince Of Wales building.

Overall, it is considered that the structure, given its scale, siting and site coverage constitutes an over-development of the site, resulting in an unduly intrusive, visually prominent and incongruous form of development, which fails to respect the established character of the existing Locally Listed Building and the Hillingdon Village Conservation Area. The proposal is therefore contrary to Policies BE4, BE13 and BE19 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

The size, scale and bulk of the proposed single storey rear extension is considered not to have a significant impact to any neighbouring residential dwellings in terms of loss of light, loss of outlook or overshadowing in accordance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The timber structure previously approved at the site was to be a lightweight open timber construction, for use as a smoking shelter by pub patrons. As already discussed in this report, what has been built is a metal structure, clad in timber and enclosed on three sides. This together with the giant umbrellas provides approximately 40 extra covers for what is now a Mediterranean Restaurant pretty much doubling its capacity.

This intensification of the use garden area together with the extended opening hours, the restaurant and outside area is known to operate until (until 2am Thursdays-Saturdays and until midnight on all other days), is considered to have an unacceptable impact to the amenity of the dwellings located to the rear of the site, particularly Balance Lea and no. 3 Harlington Road. Furthermore, the odours emitted as a result of having a smoking area located directly adjoining the residential buildings would be detrimental to the living conditions of the present and future occupiers of the dwellings.

Therefore, the proposed development is contrary to Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy 7.14 of the London Plan (2016).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policies AM2, AM7, AM14 and AM15 are concerned with traffic generation, road capacity, on site parking and access to public transport.

The timber shelter in the rear garden area is arranged to allow outdoor seating and dining. There are approximately 25 seats beneath the timber structure and another 15 or so under the giant umbrellas next to it. The garden area provides a total of about 40 seats for patrons, doubling the capacity of the restaurant.

The previous layout of the car park was informal with no markings denoting car parking spaces. The car park has recently been resurfaced with markings denoting just a handful of car parking spaces.

The applicant has failed to submit an accurate and robust assessment of the highways aspect that would be associated with the development, including car parking, cycle parking, trip generation, highway and pedestrian safety, and free flow of traffic, as such the proposals are considered to be contrary to the Council's Policies AM7, AM9, AM14, AM15, R9, R10 and S12 of the UDP.

7.11 Urban design, access and security

Urban Design matters are discussed in detail under paragraph 7.07 of this report.

Security Issues have been incorporated into the design of the development and will be secured by a recommended condition.

Access is discussed elsewhere in this report.

7.12 Disabled access

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from direct discrimination on the basis of a protected characteristic, which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease.

Policies 7.2 and 3.8 of the London Plan provide that developments should seek to provide the highest standards of inclusive design and this advice is supported by the Council's Supplementary Planning Document - Accessible Hillingdon.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Subject to conditions relating to tree protection measures and landscaping, being imposed on any consent granted, there would be no objection raised in terms of landscaping.

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

The covered area in the back garden will inevitably results in the outside area of the premises being capable of use for longer periods of time than would be the case if it were an open smoking shelter associated with a pub, as had previously been approved. Whilst it is accepted that this space was previously used as a beer garden for patrons of the Public House, the current use facilitates an increased use, in terms of both intensity and length of time, of the area by providing shelter for customers using it.

The close proximity of the rear elevations of residential properties on Uxbridge Road And Harlington Road is such that the development is considered to harm the living conditions of occupiers of those properties due to the increase in the length of time that the area is in use by customers and the noise and disturbance created.

The current application does not include any measures (such as management and security plans) that would ensure that such problems would not occur. No provision has been made to limit the noise generated by the patrons, television or music systems. The proposal would therefore create an unacceptable loss of amenities to the surrounding properties contrary to policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.19 Comments on Public Consultations

The issues raised are covered in the main body of the report.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

An Enforcement investigation is ongoing regarding various works and the use of garden shelter on the site.

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

The application seeks retrospective planning permission for a timber framed garden structure with a retractable canopy.

The timber structure is considered, given its scale, metal frame clad in timber, height, enclosed nature and the additional seating it contains to constitute an over-development of the site, resulting in an unduly intrusive, visually prominent and incongruous form of development, which would fail to respect the established character of the existing Locally Listed Building and the Hillingdon Village Conservation Area.

This application also fails to demonstrate that the use of this part of the site as effectively an extension of the restaurant occurs in a manner which is safe and secure or without causing unacceptable levels of noise and disturbance to neighbouring residents.

Furthermore, the applicant has failed to submit an accurate and robust assessment of the highways aspect that is associated with the development, including car parking, cycle parking, trip generation, highway and pedestrian safety, and free flow of traffic. Furthermore no mitigation measure have been proposed to alleviate the already identified highways issues resulting from the use of the timber shelter as part of the restaurant.

Refusal is recommended.

11. Reference Documents

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

Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
London Plan (2016)
London Borough of Hillingdon's Noise Supplementary Planning Document (adopted April 2006)

Contact Officer: Matt Kolaszewski

Telephone No: 01895 250230

