

Report of the Head of Planning, Sport and Green Spaces

Address LAND ADJACENT TO 1 BELGRAVE MEWS COWLEY

Development: Single storey garage.

LBH Ref Nos: 72586/APP/2017/482

Drawing Nos: 14/2833/1
14/2833/2
14/2833/3
14/2833/4

Date Plans Received: 10/02/2017

Date(s) of Amendment(s):

Date Application Valid: 10/02/2017

1. SUMMARY

The application seeks planning permission for the erection of a single storey garage. An appeal has been submitted under appeal reference APP/R5510/W/17/3184507 against non-determination of the appeal. Had the Council had the opportunity to determine the application it would have been recommended for refusal on the grounds that the detached garage, by reason of its location outside of established building lines, overall size, scale, height and design would result in a visually obtrusive form of development, which would be detrimental to the visual amenity of neighbouring property owners and to the character and appearance of the wider streetscene.

It can be clarified that the garage is proposed on a parcel of land that is definitely in the applicant's ownership (the applicant owns number's 1 & 8 Belgrave Mews). Nonetheless the garage is not considered to be part of the residential curtilage of No.1 Belgrave Mews; it is considered to be a stand alone land parcel and is treated as such in land registry documents.

It can further be noted that there has been a number of historical refusals to erect additional garages on 'surplus' land around Belgrave Mews (Including No.1 Belgrave Mews), a refusal recommendation would therefore be consistent with historical planning decisions concerning additional garage proposals in Belgrave Mews.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The single storey garage, by reason of its proposed location outside of established building lines, overall size, scale, height and design would result in a visually obtrusive form of development, which would be detrimental to the visual amenity of neighbouring property owners and to the character and appearance of the wider streetscene. Therefore the proposal would be contrary to policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

INFORMATIVES

1 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 (2016). 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.

2 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).

3 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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.
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.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

3. CONSIDERATIONS

3.1 Site and Locality

The application site, which is presently open land, is located adjacent to No. 1 Belgrave Mews, a two storey end terraced dwelling located on the Eastern side of Belgrave Mews, a residential cul-de-sac located to the South of Orchard Drive which lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). This area forms part of Tree Preservation Order (TPO) 72. The immediate properties are in two rows with pitched roofs parallel to the road. The housing at Belgrave Mews was designed to be served by a separate garage court, where the two

rows of garages have flat roofs.

The application site has a dropped kerb and a single yellow line across the road, whereas nearby there are marked residents parking bays parallel to the kerb. The site itself is level but has a low brick retaining wall to the Southern edge. There is a boundary fence to the South West of 29 Orchard Drive, as the North Eastern boundary of the site.

The site is located in a developed area as identified in the Hillingdon Local Plan (November 2012).

3.2 Proposed Scheme

The application seeks planning permission for the erection of a single storey garage.

3.3 Relevant Planning History

44518/APP/2014/2870 8 Belgrave Mews Cowley Uxbridge

Installation of dual pitched roof to existing detached garage.

Decision: 08-10-2014 Refused **Appeal:** 24-11-2014 Allowed

44518/APP/2014/4448 8 Belgrave Mews Cowley Uxbridge

Conversion of garage to a studio flat, involving raising of roof, installation of bay windows to front and alterations to elevations

Decision: 11-03-2015 Refused **Appeal:** 21-08-2015 Dismissed

44518/APP/2016/2146 8 Belgrave Mews Cowley Uxbridge

Conversion of garage to 1 x 1-bed flat involving installation of bay windows to front and alteration to elevations.

Decision: 18-11-2016 Refused

44518/APP/2016/4244 8 Belgrave Mews Cowley Uxbridge

Conversion of garage to 1 x 1-bed flat involving installation of bay windows to front and alteration to elevations.

Decision: 06-02-2017 Refused **Appeal:** 19-06-2017 Dismissed

48906/A/94/0352 Adjacent To Existing Garages Belgrave Mews Cowley Uxbridge

Erection of a detached double garage

Decision: 01-06-1994 Refused

48906/APP/2002/2715 Land Adjacent To 1 Belgrave Mews Cowley

ERECTION OF A DETACHED GARAGE

Decision: 12-02-2003 Refused

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
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5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A total of 4 neighbouring properties, were consulted on the application on 04.02.17.

By the close of the consultation period on 07.03.17, three objections were received summarised below:

- fraudulent ownership.
- pitched roof profile would not be in keeping with the area.
- excessive floorspace.
- parking and traffic issues.

A petition with 21 signatories was also received on the following grounds:

- questionable use of the land.
- traffic.
- congestion.
- parking issues.
- antisocial behaviour.

OFFICER COMMENT: The above matters are considered below in the main considerations. With respect to land ownership, a red line has been drawn on the parcel of land and the applicant has

signed certificate A, to demonstrate that he is the owner of the land. Officers have obtained various land registry documents and it can be clarified that the garage is proposed on a parcel of land that is definitely in the applicant's ownership (the applicant owns number's 1 & 8 Belgrave Mews). Nonetheless the garage is not considered to be part of the residential curtilage of No.1 Belgrave Mews; it is considered to be a stand alone land parcel and is treated as such in land registry documents.

Internal Consultees

Highways

This application is for the erection of a single storey garage on a block of land adjacent to nearby residential uses in Belgrave Mews Cowley. Without plans this could be similar to a previous application for a garage on the site that was refused. There is an existing crossover in place at the Belgrave Mews site. Belgrave Mews is a narrow local road with on-street parking stress as not all residents park in the nearby block of garages. The parcel of land seems of sufficient size to accommodate the proposed structure. The area is currently used to park a car and the proposals would involve the erection of a new garage in front of the existing building line. The application form indicates there would be 4 employees whereas I was under the impression this was a domestic structure. Could you clarify the situation over use as if it is a commercial operation my comments would be very different to those set out here? On the basis of the above comments there are no significant highways issues with this application.

Trees

This site is a vacant plot which currently accommodates two parked cars immediately to the North of the front garden of 1 Belgrave Mews. According to the aerial photographs a tree canopy spread over much of the site until recently. This has evidently been removed, leaving a small triangular vacant plot. The wider area is covered by TPO 72, albeit none of the trees close to this plot are / were protected. The construction of a single garage will result in residual space to the North and West of the garage. This needs to be planted or surfaced and maintained so that it does not become an unmanaged eyesore. RECOMMENDATION No objection.

Officer comment: It can be clarified that the removed tree was not protected by a TPO.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Whilst an application for vehicular parking in connection with a specific residential property could be considered acceptable, in this instance, the car parking proposed is not to facilitate a residential property and is therefore unacceptable in principle as it fails to accord with all other relevant planning policies, as set out within the body of this report.

7.02 Density of the proposed development

Not relevant to the consideration of this application.

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

Not applicable to this application.

7.04 Airport safeguarding

Not relevant to the consideration of this application.

7.05 Impact on the green belt

Not relevant to the consideration of this application.

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. Furthermore policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the

design of existing and adjoining sites.

The proposed development is for the erection of a single storey detached outbuilding for use as a garage. As the proposed garage will be located to the front of No.1 Belgrave Mews, for the purposes of this report, the garage will be treated as an outbuilding. As stated in HDAS Section 9.0, 'an outbuilding can comprise a garden shed, greenhouse, garage, hobbyroom or storeroom'.

Section 9.0 of the HDAS states that in order to prevent harm to the character and appearance of the area and the amenity of adjoining properties, an outbuilding should be positioned as far away from the main house as possible and set in from the boundaries by at least 1 M. In terms of its design it should be constructed using materials similar to those in the main house and any windows and doors should be positioned only on the elevation facing the main house. An outbuilding with a pitched roof should be no more than 4.0 M in height. The use of outbuilding should also be for normal domestic use related to the residential use of the main house. This advice mainly concerns outbuildings to the rear of a property and within its curtilage, rather than to its front.

The outbuilding would be positioned in front of No. 1 Belgrave Mews and would appear very conspicuous by virtue of its pitched roof, size and siting. HDAS Section 9.0 states "Careful consideration should be given to the location of extensions to buildings, building lines, frontages and entrances should be respected. Building lines within schemes should relate to the street pattern". The proposed development would be located approximately 5.6m forward of the established building line, and in a visually prominent position. Although there is an apparent stagger of 1.5m in the building line, this gap is marginal and forms part of the urban grain and street pattern. Furthermore, the outbuilding would appear prominent when viewed from the front gardens and windows of the neighbouring properties. The proposed siting, design and height of the garage is considered to be contrary to the intentions of the Council's HDAS and would appear incongruous in the streetscene.

It is considered that the proposed garage, by reason of its location outside of established building lines, overall size, scale, height and design would result in a visually obtrusive form of development, which would be detrimental to the visual amenity of neighbouring property owners and to the character and appearance of the wider streetscene. The development would therefore be contrary to Policies BE13, BE15, BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012 and Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

7.08 Impact on neighbours

Policies BE20, BE21 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) give advice that buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them, and the amenities of existing houses are safeguarded.

The proposed development would be located in front of the neighbouring properties by approximately 5.6m and would extend approximately 3.328m high. Taking into account the separation distances and minimal height, it is unlikely that the proposed development would cause any undue visual intrusion, loss of daylight, loss of sunlight, overshadowing or overlooking. Therefore, it is considered that the proposed development would not constitute an un-neighbourly form of development in compliance with Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

As covered in other sections of this report it is nonetheless considered that the garage

would represent a visually intrusive form of development; hence although it is not considered that the garage would directly impact on neighbours amenity, adjoining neighbours would nonetheless be affected by the garage appearing incongruous in the streetscene.

7.09 Living conditions for future occupiers

Not relevant to the consideration of this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards. The proposed garage is of a sufficient size to accommodate a car. As such the scheme would accord with Policy AM14 and AM7 of the Local Plan. In practice one of the two parking spaces available on the present open area would be lost.

7.11 Urban design, access and security

The issues are addressed in the sections above.

7.12 Disabled access

Not relevant to the consideration of this application.

7.13 Provision of affordable & special needs housing

Not relevant to the consideration of this application.

7.14 Trees, landscaping and Ecology

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate. A tree not covered by a TPO has historically been removed. In the case that the scheme was recommended for approval it is considered that a landscaping condition would have been imposed to enable landscape planting to occur and ensure compliance with policy BE38 of the Local Plan.

7.15 Sustainable waste management

Not relevant to the consideration of this application.

7.16 Renewable energy / Sustainability

Not relevant to the consideration of this application.

7.17 Flooding or Drainage Issues

Not relevant to the consideration of this application.

7.18 Noise or Air Quality Issues

Not relevant to the consideration of this application.

7.19 Comments on Public Consultations

The issues raised are addressed in the sections above.

7.20 Planning obligations

Not relevant to the consideration of this application.

7.21 Expediency of enforcement action

Not relevant to the consideration of this application.

7.22 Other Issues

No other issues raised.

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

10. CONCLUSION

The application seeks planning permission for the erection of a single storey garage. An appeal has been submitted under appeal reference APP/R5510/W/17/3184507 against non-determination of the application. Had the Council had the opportunity to determine the application it would have been recommended for refusal on the grounds that the detached garage, by reason of its location outside of established building lines, overall size, scale, height and design would result in a visually obtrusive form of development, which would be detrimental to the visual amenity of neighbouring property owners and to the character and appearance of the wider streetscene.

11. Reference Documents


Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2016)
Hillingdon Design and Accessibility Statement: Residential Extensions
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

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Notes

 Site boundary

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Site Address	
Land adjacent to 1 Belgrave Mews	
Planning Application Ref:	Scale
72586/APP/2017/482	1:1,250
Planning Committee	Date
Central & South	November 2017

LONDON BOROUGH OF HILLINGDON

Residents Services

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