

Report of the Head of Planning, Transportation and Regeneration

Address NATS SITE VINE LANE HILLINGDON

Development: Installation of palisade fence to replace existing mesh fence

LBH Ref Nos: 43853/APP/2018/2902

Drawing Nos: Covering Letter (Ref.: NATS/Greenford RX site)
DS20603AC108ASPT Sheet 1 of 3 Issue 2
DS20603AC108ASPT Sheet 1 of 3 Issue 2
DS20603AC108ASPT Sheet 2 of 3 Issue 3

Date Plans Received: 07/08/2018

Date(s) of Amendment(s):

Date Application Valid: 17/08/2018

1. SUMMARY

The application seeks planning permission for the installation of palisade fence to replace existing mesh fence. Whilst the proposed fence would relate satisfactorily to the site and surroundings and would improve security at the site, concerns are raised in terms of the poor outlook which would be presented to the occupants of Numbers 8, 9 and 10 Beehive Close to the North, who have modest rear gardens. The increase in height of the boundary fencing in close proximity is considered to result in an unacceptable outlook to the occupants of these properties. As such the application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed 3m high palisade fence, by virtue of its design, excessive height and close proximity to the rear elevations of 8, 9 and 10 Beehive Close, would be detrimental to the amenities of the occupiers of these properties by reason of visual intrusion and loss of outlook. Therefore the proposal would be contrary to policies BE19 and BE21 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 - 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.
BE5	New development within areas of special local character
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

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 (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.

4

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council's supports pre-application discussions.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the Western side of Vine Lane towards the bend where Vine Lane meets Honey Hill, which lies within the Developed Area and just outside the Western edge of Hillingdon Court Park Area of Special Local Character as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012).

The site currently accommodates a TX radio mast and accompanying building. The front and southern boundaries of the site are defined by 3 m high green palisade fencing. The properties in Beehive Close do have modest rear gardens with a minimum depth of 6m. It is considered that the increase in height of the proposed boundary fence in such close proximity to windows serving habitable rooms would result in an unacceptably oppressive and overbearing outlook to the occupants of these properties. As such the proposal would result in an unneighbourly form of development in conflict with policies BE19, BE20 and BE21 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The application seeks planning permission for the installation of palisade fence to replace

existing mesh fence.

3.3 Relevant Planning History

43853/APP/2014/2994 Nats Site Vine Lane Hillingdon

Replacement of palisade security fence

Decision: 13-11-2014 Approved

43853/APP/2016/3652 Nats Site Vine Lane Hillingdon

Retention of temporary telecommunications apparatus installed under Class A (b) of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and comprising a temporary 22.5m high pole supporting 3 no. antennas, guyed and anchored on 900mm high concrete blocks (total height 23.4m), 3 no. existing equipment cabinet and 1 no. electrical meter cabinet on temporary wooden sleepers within temporary compound for a period of 12 months.

Decision: 09-12-2016 Withdrawn

43853/APP/2016/671 Nats Site Vine Lane Hillingdon

Replacement of existing 37m high radar tower with a 34.2m high tower together with the construction of a temporary 20m high radar tower for a temporary period of 3 months and ancillary equipment cabinets

Decision: 16-08-2018 Withdrawn

43853/APP/2017/4337 Nats Site Vine Lane Hillingdon

Installation of palisade fence to replace existing mesh fence

Decision: 26-01-2018 Approved

Comment on Relevant Planning History

43853/APP/2017/4337 - Installation of palisade fence to replace existing mesh fence (southern boundary). Approved.

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:

AM7 Consideration of traffic generated by proposed developments.

AM14	New development and car parking standards.
BE5	New development within areas of special local character
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

8 neighbouring properties were consulted by letter dated 21.8.18 and a site notice was displayed to the front of the site which expired on 21.9.18.

2 letters of objection and a petition of objection (signed by 23 valid signatures) has been received raising concerns about the oppressive and overbearing impact of the fence which would project 1m above the existing wooden boundary fence of the gardens.

NERL Safeguarding - No Objection.

Internal Consultees

Landscape Officer:

The site is occupied by a tall aerial, and ancillary structures, in a secure compound, off Vine Lane. The roadside (east) and north boundary have existing green-coated palisade security fencing. The south and west boundary are defined by lower (1.8 metre high) chain link fencing. The site lies just outside the western edge of Hillingdon Court Park Area of Special Local Character.

COMMENT: This site was the subject of a previous application, ref. 2017/4337, which was approved. No trees or other landscape features of merit will be directly affected by the proposal, however, it is likely that some trimming back of self-set trees /vegetation will be required in order to install the replacement fence. According to the drawings the fence will be green. The specification should ensure that the new fence matches the existing.

RECOMMENDATIONS: No objection and, in this case, no need for landscape conditions.

Highways Officer:

There are no highway, traffic or transport concerns with this application.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site lies within the Developed Area as defined within the Hillingdon Local Plan - Saved UDP Policies (November 2012) where there is no objection in principle to the development providing there is compliance with other policies within the Development Plan.

7.02 Density of the proposed development

Not applicable to this application.

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

Not applicable to this application.

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 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 fence is considered to relate satisfactorily to the character and appearance of the site and surroundings. The fence would match those on the front and northern boundary and southern (rear) boundary of the site and is considered acceptable in accordance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP 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.

Concerns have been raised by the occupants of properties in Beehive Close that the erection of the 3m high fence along the northern boundary of the application site, which forms the rear boundaries of their private amenity space, would represent a visually incongruous form of development which would create a prison-like outlook to rear facing rooms and patio areas. Number 10 has a rear garden depth of 8.75m and 5.5m from the rear conservatory. The proposed 3m high fence would project just over 1m above the existing timber boundary fences. Given the very short distances involved, it is considered that the fence will be detrimental to the amenities of the adjoining occupiers by reason of visual intrusion and loss of outlook.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Not applicable to this application.

7.11 Urban design, access and security

The issues are addressed in the sections above.

7.12 Disabled access

Not applicable to this application.

7.13 Provision of affordable & special needs housing

Not applicable to 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. No trees or other landscape features of merit will be directly affected by the proposal. The Council's Landscape Officer has confirmed that no objection is raised.

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

Not applicable to this application.

7.19 Comments on Public Consultations

The comments raised during the consultation process are addressed above.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to 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

Not applicable to this application.

10. CONCLUSION

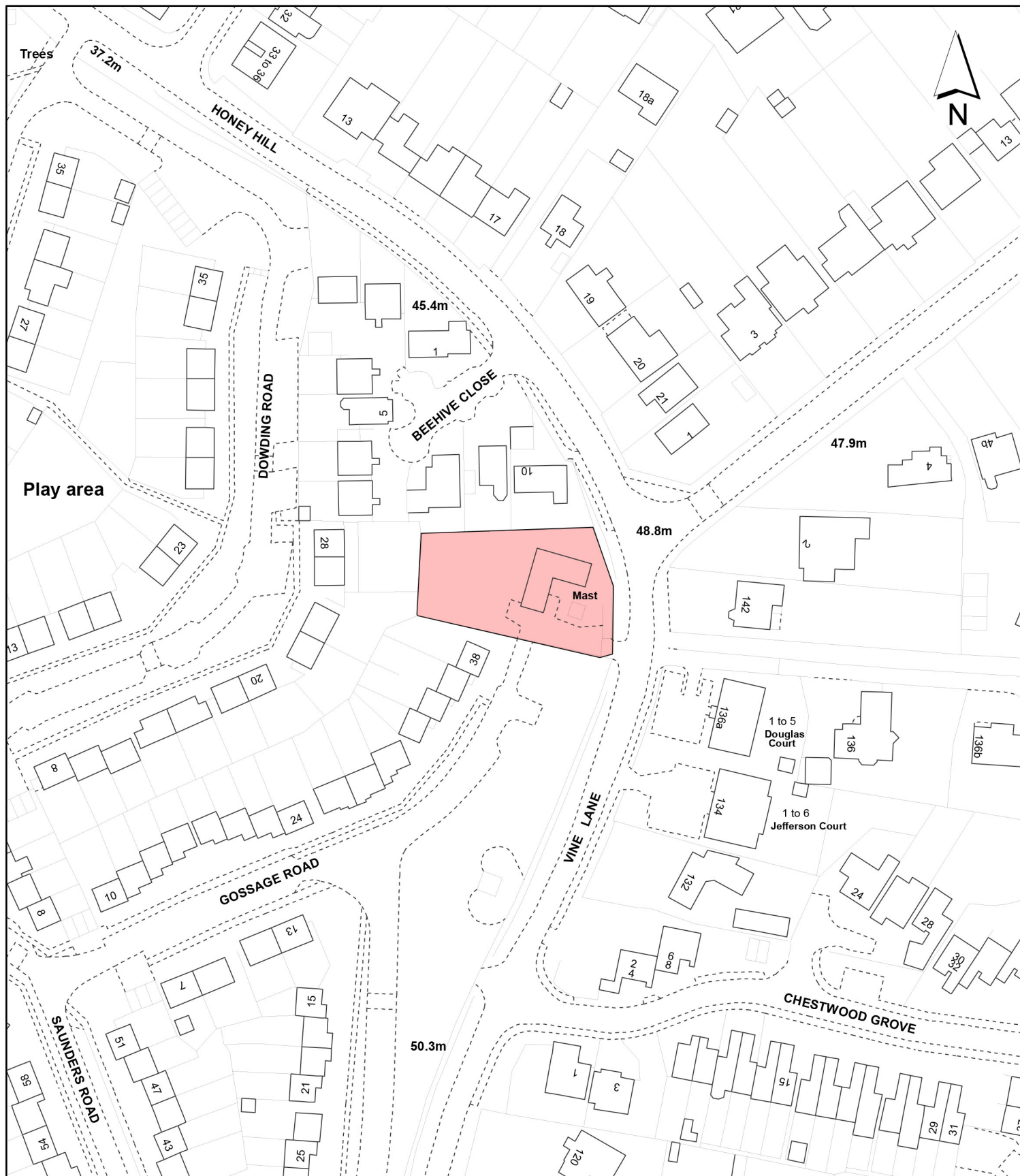
The application seeks planning permission for the installation of palisade fence to replace existing mesh fence. Whilst the proposed fence would relate satisfactorily to the site and surroundings and would improve security at the site, concerns are raised in terms of the poor outlook which would be presented to the occupants of Numbers 8, 9 and 10 Beehive Close to the North, who have modest rear gardens. The increase in height of the boundary fencing in close proximity is considered to result in an unacceptable outlook to the occupants of these properties. As such the application is 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)
The London Plan (2016)
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework (2018)

Contact Officer: Nicola Taplin

Telephone No: 01895 250230



Notes:

 Site boundary

For identification purposes only.

This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).

Unless the Act provides a relevant exception to copyright.

© Crown copyright and database rights 2018 Ordnance Survey 100019283

Site Address:

NATS Site

Planning Application Ref:

43853/APP/2018/2902

Planning Committee:

Central & South

Scale:

1:1,250

Date:

October 2018

**LONDON BOROUGH
OF HILLINGDON**

**Residents Services
Planning Section**

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



HILLINGDON
LONDON