

Report of the Head of Planning, Transportation and Regeneration

Address 12 KADUNA CLOSE EASTCOTE MIDDLESEX
Development: Single storey rear extension to be used as a store.
LBH Ref Nos: 52580/APP/2019/1852
Drawing Nos: 2A
Design and Access Statement
Flood Risk Assessment
5
3
4
1

Date Plans Received: 29/05/2019 **Date(s) of Amendment(s):**
Date Application Valid: 29/05/2019

1. SUMMARY

This application seeks full planning consent for the construction of s a single storey rear extension to be used as an ancillary store to the main building. A rendered flat roofed extension has already been constructed without the benefit of planning permission and this is to be demolished and rebuilt in brick to match the main building.

It is considered that the siting, scale, form, nature and materials proposed used in the construction of the overall development are such that subject to conditions, it would not have any detrimental impact on the appearance of the application property and the wider Eastcote Village Conservation Area, and that it would not result in any adverse implications for the protection of neighbouring residential amenities or preservation of protected trees.

A previous application (52580/APP/2018/1267) highlighted that the site lies within functional floodplain and Flood Zone 3b of the River Pinn and is in an area that has suffered from surface water flooding. The applicant has submitted a flood risk assessment which has been assessed by the councils Flood Water Management Officer and an appropriate contribution towards Blue Ribbon network agreed which will be secured via a s106 agreement.

2. RECOMMENDATION

A).That delegated powers be given to the Head of Planning, Transportation and Regeneration to confirm approval subject to: A) Entering into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or S278 of the Highways Act 1980 (as amended) and/or other appropriate legislation to secure:

(1) The applicant will make a financial contribution of £5000 to the LB Hillingdon Fund for improvements to the Blue Ribbon Network.

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 and/or 278

Agreements and any abortive work as a result of the agreement not being completed.

C) That Officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.

D) If the Legal Agreements have not been finalised by 30 November 2019 (or such other timeframe as may be agreed by the Head of Planning, Transportation and Regeneration), delegated authority be given to the Head of Planning, Transportation and Regeneration to refuse planning permission for the following reason:

The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect to improvements to the Blue Ribbon Network). The proposal therefore conflicts with Policies contained with the adopted Policy EM3 Blue Ribbon Network in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012), policies OE7 and OE8 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and policy DME19 of the Hillingdon Local Plan Part 2 - Development Management Policies (March 2019) '

F). That if the application is approved, the following conditions be attached:

1 RES3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990

2 RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2A and 4, and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), Hillingdon Local Plan Part 2- Development Management Policies (March 2019) and the London Plan (2016).

3 RES7 Materials (Submission)

No development shall take place until details of all materials and external surfaces, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012),

INFORMATIVES

1 I52 **Compulsory Informative (1)**

The decision to GRANT 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 GRANT 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.

AM14	New development and car parking standards.
DMEI 8	Waterside Development
BE4	New development within or on the fringes of conservation areas
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.
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.
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
DMEI 9	Management of Flood Risk
DMHB 12	Streets and Public Realm
DMHB 11	Design of New Development
DMHB 4	Conservation Areas
LPP 3.5	(2016) Quality and design of housing developments
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 7.8	(2016) Heritage assets and archaeology
NPPF- 14	NPPF-14 2018 - Meeting the challenge of climate change, flooding and coastal change
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment

3. **CONSIDERATIONS**

3.1 Site and Locality

This application relates to a site located at the end and on the South-Eastern side of Kaduna Close, which is a residential cul-de-sac.

The site application comprises a part single, part two storey detached building, which is located to the South West of the Eastcote Tennis Clubhouse. To the North East of the site lies tennis courts associated with the Tennis Club, with a residential block, 6 to 10 Kaduna Close, beyond. To the South West lies the rear gardens of the semi-detached dwellings at Nos. 19 and 20 Sutton Close.

The building comprises a leisure facility for young children and ancillary residential accommodation. There are associated car parking spaces immediately to the North West and South West of the building. The frontage of the building is on the North Western side and the main entrance is located in its single storey element and comprises a projecting front porch extension.

To the rear of the site are the River Pinn and an area of mature woodland. The application site is located within Flood Zones 2 and 3 and the Council's Flood map for surface water. The site is covered by Tree Preservation Order (TPO) 278, which covers the woodland area and individual mature and protected Oak trees outside the woodland area.

The surrounding area is residential in character and appearance and the application site lies within the Eastcote Village Conservation Area and the 'Developed Area', as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

3.2 Proposed Scheme

The application seeks full planning consent for a single storey rear extension to be used as an ancillary store which would serve both the Class D2 young children's nursery and the two self contained flats at first floor level. It would measure 6.4 metres wide and 3.65 metres deep. It would have a gently sloping roof with a maximum height of 3 metres. There is a structure already in place for which no permission exists. This is a single storey rendered extension which will be replaced.

3.3 Relevant Planning History

52580/APP/2015/2933 Imada 12 Kaduna Close Eastcote

Single storey rear extension (forming a store), carport to rear, bin enclosure and timber boundary fences (Retrospective Application)

Decision: 10-12-2015 Approved

52580/APP/2018/1267 12 Kaduna Close Eastcote Middlesex

Single storey rear extension

Decision: 11-07-2018 Refused

52580/APP/2018/3998 12 Kaduna Close Eastcote Middlesex

Single storey rear extension (Retrospective)

Decision: 19-02-2019 Refused

Comment on Relevant Planning History

52580/APP/2018/3998 - The application was for a single storey rear extension which was refused due to the absence of a flood risk assessment which is required as the site falls within a flood risk area.

52580/APP/2018/1267 - The application was for retrospective planning permission for a single storey rear extension which was refused due to the absence of a flood risk assessment which is required as the site falls within a flood risk area.

52580/APP/2015/2933 - In 2015 permission was granted for a single storey rear extension (forming a store), carport to rear, bin enclosure and timber boundary fences (Retrospective Application). The car port was in the general location of the proposed extension and was open sided. It is not clear whether this was ever constructed as there is a single storey rendered extension in this location for which no planning record exists.

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
- PT1.EM6 (2012) Flood Risk Management

Part 2 Policies:

- AM14 New development and car parking standards.
- DMEI 8 Waterside Development
- BE4 New development within or on the fringes of conservation areas
- 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.
- 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.
- OE7 Development in areas likely to flooding - requirement for flood protection measures
- OE8 Development likely to result in increased flood risk due to additional surface water

	run-off - requirement for attenuation measures
DMEI 9	Management of Flood Risk
DMHB 12	Streets and Public Realm
DMHB 11	Design of New Development
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LPP 3.5	(2016) Quality and design of housing developments
LPP 5.12	(2016) Flood risk management
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NPPF- 14	NPPF-14 2018 - Meeting the challenge of climate change, flooding and coastal change
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **24th July 2019**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

24 letters were sent to neighbouring properties and a site notice was erected within close proximity to the site. Both methods of consultation expired 09.07.19 and 1 objection was received which raised concerns with the possible intensification of the use of the site and lack of parking provision.

Internal Consultees

FLOOD OFFICER COMMENT:

Following previous discussions with the applicant, which led to the revision of the Flood Risk Assessment, I have no objection to the proposed development subject to a S106 developer contribution of £5,000 to the ongoing Blue Ribbon Network enhancements and current flood alleviation scheme on the River Pinn and Joel Street Ditch. This is to provide environmental enhancement as required by Policy EM3 Blue Ribbon Network in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012) and Policy DMEI 8 of the emerging Hillingdon Local Plan Part 2, as well as making the development compliant with Hillingdon Local Plan Part 2 Saved UDP Policy OE8

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application proposes a single storey rear extension to be used as an ancillary store to the D2 use leisure facility for young children as well as the residential accommodation at first floor level. The application does not propose a change of use or an intensification of the existing use which would give rise to material impacts such as parking or noise. The site does fall within a flood risk zone and previous applications for the same development were refused due to the absence of a flood risk assessment. An acceptable flood risk assessment has been submitted in support of the application and as such the principle of development is considered acceptable.

7.02 Density of the proposed development

Not applicable to this application

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

This is addressed within the impact on the character and appearance of the area section of this report.

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 BE4, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development, which would fail to preserve the character and appearance of Conservation Areas, harmonise with the existing streetscene or would fail to safeguard the design of existing and adjoining sites. Policy BE4 reflects the relevant legal duties.

The application site is located just inside the boundary of the Eastcote Village Conservation Area. The conservation area is based on the development and the woodlands along the River Pinn and includes a number of country houses and high quality housing, which are characterised by open spaces and landscaping. The application site and building are anomalies in this context as the building does not contain any features of architectural merit and the site, as a whole, makes no contribution to the character and appearance of the Conservation Area other than that the associated parking area provides some sense of spaciousness. The Conservation Officer has previously commented that the secluded siting of the proposed development to the rear and the relatively minor scales of the structures then applied for are such that they are of insignificant bulk and appearance. It is considered that the proposed development raises similar conclusions. In light of this it is considered that the proposed development would not have a detrimental effect on the character and appearance of the immediate area or the wider conservation area.

The proposal is therefore not considered to be out of character with the existing building, the character and appearance of the immediate area and the wider Eastcote Village Conservation Area. As such the proposal would comply with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE4, BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies.

7.08 Impact on neighbours

Paragraph 4.9 of the Hillingdon Design and Accessibility Statement (HDAS) SPD: Residential Layouts (July 2006) gives advice that all residential developments and amenity spaces should receive adequate daylight and sunlight, and that new development should be designed to minimise the negative impact of overbearing and overshadowing.

Policy BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) specifies that planning permission will not be granted for new buildings, which by reason of their siting, bulk and proximity would result in a significant loss of residential amenity.

The nearest residential properties are Nos. 19 and 20 Sutton Close, and 6-10 and 13-14 Kaduna Close. All these neighbouring properties are over 30 m away from the application site, which is sufficient distance to ensure that the proposed development does not

represent visually intrusive and over-dominant structures when viewed from the habitable room windows of those properties. The siting, relatively minor scale and single storey form of the proposed development are such that the development would not harm the neighbouring residential amenities through loss of light, outlook, overlooking and/or loss of privacy.

It is therefore considered that the proposal does not detract from the residential amenities of occupiers of adjacent properties and it therefore complies with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), DMHD 1 of the Hillingdon Local Plan Part 2: Development Management Policies (March 2019) and the Council's adopted Hillingdon HDAS SPD: Residential Layouts (July 2006).

7.09 Living conditions for future occupiers

Not relevant to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The application property benefits from the use of the sixteen car parking spaces located at the rear and side. The proposed development would not impact on the existing off-street parking provision and is compliant with Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.11 Urban design, access and security

In terms of urban design, it has been discussed above that the design and scale of the proposed development are such that it does not have any detrimental impact on the appearance of the existing application property and wider Eastcote Village Conservation Area.

In terms of access and security, the proposed development does not displace the existing access and security arrangements through the front entrance. It is considered that the expansive car park area provides adequate natural surveillance for the rear of the building.

7.12 Disabled access

The application does not propose alterations to the building which would affect access for service users with disabilities.

7.13 Provision of affordable & special needs housing

Not relevant to this application

7.14 Trees, Landscaping and Ecology

The application is for a single storey rear extension identical to previous applications which were refused for reasons other than impact to trees or landscaping. The councils tree officer was consulted on both of the previous identical cases and raised no objection on trees or landscaping grounds therefore it is considered that this application is acceptable in relation to Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.15 Sustainable waste management

The application does not propose any alteration which would impact the storage, collection or volumes of waste generated.

7.16 Renewable energy / Sustainability

Not relevant to this application

7.17 Flooding or Drainage Issues

Policy OE7 and OE8 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) state in areas of flooding planning permission will only be granted where the developer is prepared to implement flood protection measures as part of the proposed development. Furthermore planning permission will not be granted where a proposed

development would create additional surface water run-off. In addition to this policy DME19 of the Hillingdon Local Plan Part 2 - Development Management Policies (March 2019) states that sites located within flood zones 2 and 3 will need to demonstrate that the proposal will need to include a flood risk assessment which demonstrates adequate provision for flood water management.

To the rear of the site are the River Pinn and an area of mature woodland. The application site is located within Flood Zones 2 and 3 and the Council's Flood map for surface water. A flood risk assessment has been submitted and states that whilst the site falls within a flood risk area, the proposed extension presents a low risk to surface water flooding and that there are no recorded incidents of groundwater flooding within the site or close proximity to the site boundary. The proposal is however development within close distance to the River Pinn and as such a contribution towards improvements to the Blue Ribbon network is proposed and will be secured via a section 106.

Taking into consideration the above and that the Flood Water Management Officer raises no objection to the proposed extension is considered acceptable.

7.18 Noise or Air Quality Issues

The site does not fall within any of the air quality focus areas therefore the proposal is likely to have negligible impacts on local air quality.

7.19 Comments on Public Consultations

See external consultation section.

7.20 Planning Obligations

7.21 Expediency of enforcement action

Not relevant to this application

7.22 Other Issues

N/A

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

10. CONCLUSION

This application seeks full planning consent for the construction of s a single storey rear extension to be used as an ancillary store to the main building. A rendered flat roofed extension has already been constructed without the benefit of planning permission and this is to be demolished and rebuilt in brick to match the main building.

Whilst the site falls within flood zone 3 the proposal does not present a further risk to flooding and the councils flood water management officer has raised no objection to the proposal subject to a section 106 agreement for a contribution to the Blue Ribbon Network. The application does not propose an intensification of the use of the site which would affect other material considerations such as parking. As such the proposed development is considered to comply with the relevant Hillingdon Local Plan: Part Two - Saved UDP Policies supplementary planning guidance. As such the application is recommended for approval.

11. Reference Documents

The London Plan (2016).
Hillingdon Local Plan Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies (March 2019)
Supplementary Planning Document HDAS: Accessible Hillingdon (January 2010)
National Planning Policy Framework (March 2012)

Contact Officer: Christopher Brady

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Notes:

 Site boundary

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Site Address:

**12 Kaduna Close
Eastcote**

Planning Application Ref:

52580/APP/2019/1852

Planning Committee:

North

Scale:

1:1,250

Date:

August 2019

**LONDON BOROUGH
OF HILLINGDON**
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Planning Section**

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