

Report of the Head of Planning, Transportation and Regeneration

Address 73 RYEFIELD CRESCENT NORTHWOOD
Development: External changes to fenestration to front and rear elevations
LBH Ref Nos: 70141/APP/2019/3098
Drawing Nos: Design and Access Statement
130 Rev. P1
131 Rev. P1
141 Rev. P2
132 Rev. P3
133 Rev. P1
142 Rev. P2
143 Rev. P2

Date Plans Received: 18/09/2019 **Date(s) of Amendment(s):**
Date Application Valid: 18/09/2019

1. **SUMMARY**

The proposal seeks planning permission for alterations to the front and rear fenestration, including enlarging a window, replacing a window with a door; replacing a shutter with a window and enlarging two windows on the north elevation and two new windows, replacing a shutter with 2 doors, replacing a door with a window and adding an additional window on the south elevation.

The proposed alterations to the facade would have an acceptable impact on the appearance of the building and the visual amenities of the surrounding area and is recommended for approval.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 COM3 **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 COM4 **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 141 Rev. P2, 142 Rev. P2 and 143 Rev. P2, and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

3 HO4 Materials

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policy DMHB 11 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

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.
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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
OE1	Protection of the character and amenities of surrounding properties and the local area
DMHB 11	Design of New Development

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 I47 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs,

including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

5 115 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

3. CONSIDERATIONS

3.1 Site and Locality

The proposed site comprises a single storey flat roof building that is within a courtyard to the rear of properties nos 83-91 Joel Street and rear of Grace Court. The site is located to the north of Tolcarne Drive, the south of Ryefield Crescent and Joel Street is to the west of the building. Properties fronting Joel Street are very tall and back onto the application site. They have rear windows which serve flatted accommodation. Grace Court also has rear windows which face the proposed development. There is vehicular access to the site from Tolcarne Drive and Ryefield Crescent. The existing building is surrounded by hard

landscaping, although there are existing trees along the eastern boundary in the rear garden of 1/3 Tolcarne Drive. Ryefield Crescent to the north is characterised by commercial units with some of the commercial units accommodating residential units above. Tolcarne Drive is residential in character and is characterised by semi-detached flatted properties.

The site is within the boundary of Northwood Hills Town Centre and Secondary Shopping Area, and the Developed Area as identified in the Hillingdon Local Plan Part 2 Saved Policies (November 2012).

3.2 Proposed Scheme

The application is for alterations to the front and rear fenestration. These include enlarging a window, replacing a window with a door; replacing a shutter with a window and enlarging two windows on the north elevation and two new windows, replacing a shutter with 2 doors, replacing a door with a window and adding an additional window on the south elevation.

3.3 Relevant Planning History

70141/APP/2014/2469 73 Ryefield Crescent Northwood

Change of use from business/storage and distribution (Use Class B1/B8), erection of first and second floors and side extension to allow the provision of 6 x 1-bed self contained flats involving alterations to elevations

Decision: 22-09-2014 Refused

70141/APP/2015/3093 73 Ryefield Crescent Northwood

Change of use from business/storage and distribution (Use Class B1/B8) to Use Class C3 (Dwelling Houses), demolition of existing single storey building and erection of a two storey building attached to existing flats to create 2 x 1-bed and 1 x 2-bed self contained flats associated parking and amenity space involving alterations to fenestration of existing flat No.5

Decision: 20-10-2015 Refused

70141/APP/2015/962 73 Ryefield Crescent Northwood

Change of use from business/storage and distribution (Use Class B1/B8), demolition of existing single storey building and erection of a two storey building with habitable roofspace to include 6 1-bed self contained flats with associated parking and amenity space (Resubmission)

Decision: 19-05-2015 Withdrawn

70141/APP/2016/651 73 Ryefield Crescent Northwood

Change of use of building from retail (Use Class A1) to 3 residential units (Use Class C3) and associated alterations to the elevations (Prior approval)

Decision: 22-04-2016 Refused

70141/APP/2018/1715 73 Ryefield Crescent Northwood

Alterations to front and rear fenestration

Decision: 29-06-2018 Approved

70141/APP/2018/1975 73 Ryefield Crescent Northwood

Details pursuant to condition 2 (Sound Insulation) of planning permission Ref:
70141/APP/2018/248 dated 21-03-2018 (Change of use from B8 (storage and distribution) to C:
residential (2 units)

Decision: 23-07-2018 Approved

70141/APP/2018/248 73 Ryefield Crescent Northwood

Change of use from B8 (storage and distribution) to C3 residential (2 units) (Prior Approval)

Decision: 21-03-2018 Approved

Comment on Relevant Planning History

There have been two previous submissions for extensions and change of use to residential, which were refused on a number of issues including the scale; over development of the site; detrimental impact on the amenities of the adjacent properties; poor amenity and access for future occupants and parking provision.

More recently a prior approval for the change of use of the existing single storey building from storage to residential was approved and there was a subsequent application for alterations to the front and rear elevations that was approved in June 2018.

Officer Comment: There has been correspondence regarding whether the warehouse (application site) was once parking for residents in Grace Court. This was dealt with fully as part of the prior approval application where various statutory declarations and information was submitted regarding the use of the building for warehousing going back to 2005. This information addressed all planning matters relating to the warehouse, in so far as this process proved beyond reasonable doubt that any historical use of the building for parking by residents of Grace Court had ceased a long time ago and that over time the warehouse use had become the 'planning use' of the premises. It should be pointed out that this relates purely to planning considerations (restrictive covenants are a private property matter).

4. Planning Policies and Standards

The Local Plan Part 2 Draft Proposed Submission Version (2015) was submitted to the Secretary of State on 18th May 2018. This comprises a Development Management Policies document, a Site Allocations and Designations document and associated policies maps. This will replace the current Local Plan: Part 2 - Saved UDP Policies (2012) once adopted.

The document was submitted alongside Statements of Proposed Main and Minor Modifications (SOPM) which outline the proposed changes to submission version (2015) that are being considered as part of the examination process.

Submission to the Secretary of State on 18th May 2018 represented the start of the

Examination in Public (EiP). The public examination hearings concluded on the 9th August 2018. The Inspector submitted a Post Hearing Advice Note outlining the need to undertake a final consultation on the updated SOPM (2019) only. The Council undertook this consultation between 27th March 2019 and 8th May 2019. All consultation responses have been provided to the Inspector for review, before the Inspector's Final Report is published to conclude the EiP process.

Paragraph 48 of the NPPF (2019) outlines that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

On the basis that the public hearings have concluded and the Council is awaiting the final Inspector's Report on the emerging Local Plan: Part 2, the document is considered to be in the latter stages of the preparation process. The degree to which weight may be attached to each policy is therefore based on the extent to which there is an unresolved objection being determined through the EiP process and the degree of consistency to the relevant policies in the NPPF (2019).

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:

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.

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

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

DMHB 11 Design of New Development

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

32 neighbours and the Northwood Hills Residents Association were consulted for a period of 21

days expiring on the 17 October 2018. There was one response raising the following issues:

- We currently have unrestricted access to the back of the commercial premises with staff and customer parking since 1990. The proposed plans will seriously restrict Carpetstyle operations along with other traders nearby
- No mention is made in the latest proposal for tenant/owner parking facilities for no. 73.
- At no point has anybody responded too or called to discuss the issues directly with anyone directly affected.
- A point that has been completely ignored is that planning permission was only granted for Grace Court on the basis that the so called "storage facility" was garage/parking for the occupants of Grace Court, which the tenants have no access to.

Ward Councillor: Requested that the application be heard at committee as he is concerned that this application will cause extreme difficulties for 2 shops that have goods delivered in this area. He also gathered that this building should have been demolished as it was supposedly the parking spaces for the neighbouring Grace Court.

Officer comment: The matter of parking for residents of Grace Court is explained in the planning history section of this report.

Internal Consultees

Access Officer - No comments to make.

Highways - No highway related comments relevant to this application.

Conservation and Urban Design - No comments to make.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The proposal involves minor alterations to an existing building and thus there is no in principle objection.

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

The Hillingdon Local Plan: Part One Strategic Policy BE1 seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character. Part Two - Saved Unitary Development Plan Policies of the Local Plan contains policies that seek to safeguard the appearance, character and amenities of the local street scene and surrounding area. Policy BE13 states that development must harmonise with the existing street scene and Policy BE19 requires that development should complement the amenity and character of the residential area in which it is situated.

Policy DMHB 11 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) advises that all development will be

required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping. It should also not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

The proposed development would create 2 windows and 2 doors on the south elevation replacing an existing door and a shutter, and replace a doorway with a window, a shutter with a window and enlarge 2 existing windows on the north elevation. These are a relatively minor alterations to the character of the building and are considered acceptable. The scheme would improve the appearance of the building and the visual amenities of the surrounding area. Therefore, the development complies with the aims of Policies BE13 and BE19 of the Hillingdon Local Plan (November 2012) and Policy DMHB 11 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

7.08 Impact on neighbours

Policy BE24 states that the proposal should protect the privacy of the occupiers and their neighbours. The proposed windows and doors are at ground level and face the service yard to one side and the access road to the other. The installation of the new facade and replacement of existing windows would not harm the residential amenity of any neighbouring occupier, in accordance with Policies BE21, BE24 and OE1 of the Hillingdon Local Plan (November 2012).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

There would be no alteration to parking provision as a result of this proposal.

7.11 Urban design, access and security

Not applicable to this application.

7.12 Disabled access

The Access Officer has not raised any objections.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

Not applicable to this application.

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

With regard to the parking for Grace Court advice was sought from the Planning Enforcement Team who advised that given the length of time the development has been in existence and the fact this was not addressed at the time of construction it would not be possible for the Council to take any action on this matter now.

The concerns raised over the potential impact on the adjacent retail properties are noted. However this proposal is for minor alterations to the fenestration of the existing building with an established storage use. Any change of use of the building which could cause a conflict with the operation of the shops does not form part of this proposal and cannot be considered as part of this application.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

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

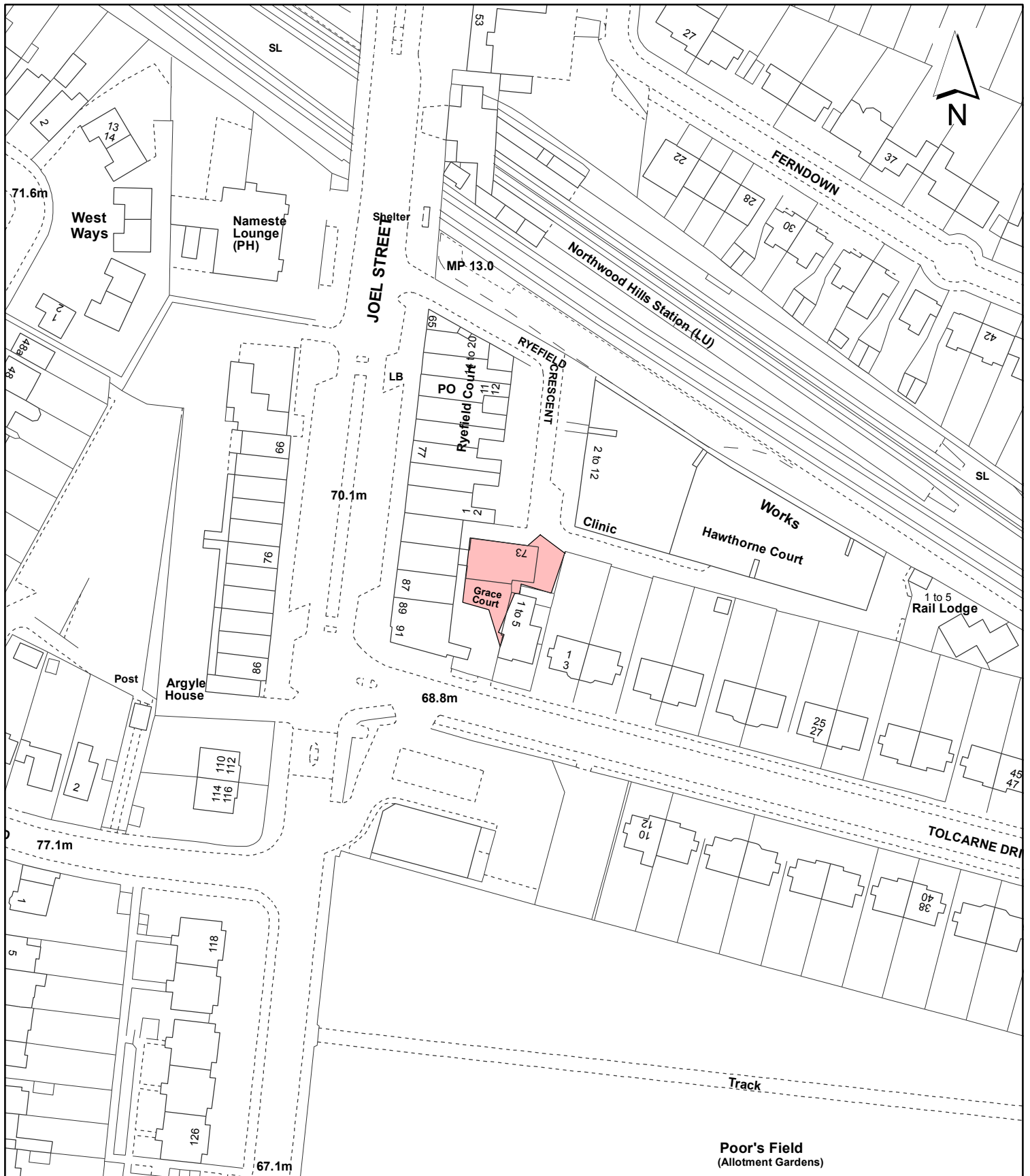
The proposed alterations to the facade would have an acceptable impact on the appearance of the building and the visual amenities of the surrounding area and is recommended for approval.

11. Reference Documents

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 with Modifications (March 2019)
The London Plan (2016)
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

Contact Officer: Liz Arnold

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

73 Ryefield Crescent

LONDON BOROUGH OF HILLINGDON

Residents Services Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

70141/APP/2019/3098

Scale:

1:1,250

Planning Committee:

North

Date:

January 2020



HILLINGDON
LONDON